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The Church Association

Was instituted in 1865 to Uphold the Doctrines, Principles, and Order of the Church of England, and to counteract the efforts now being made to pervert her teaching on essential points of the Christian faith, or assimilate her Services to those of the Church of Rome, and further to encourage concerted action for the advancement and progress of Spiritual Religion.

The Church Association seeks to resist all innovations in the order of the Service as prescribed by the joint authority of the Church and State—whether in vestments, ornaments, gestures, or practices borrowed from the Church of Rome, and symbolical of her errors—and especially to prevent the idolatrous adoration of the elements in the Lord's Supper, contrary to the order of our Communion Service and the terms both of the Liturgy and Articles.

The Church Association seeks to resist all attempts to restore the use of the Confessional, and every exercise of that Priestly authority which was put down at the Reformation, and also to oppose the introduction of doctrines contrary to the teaching of the Church, as set forth in her Liturgy and Articles.

The Church Association seeks to effect these objects by publicity through Lectures, Meetings, and the use of the Press, by Appeals to the Courts of Law in order to obtain a clear decision what the Law is, and by Appeals to Parliament to pass such measures as may be needed to restrain clergymen from violating the order of their Church, and obtruding on their parishioners practices and doctrines repugnant to the Formularies and Articles of our Reformed Church.

The Church Association has at considerable cost obtained the condemnation by the Ecclesiastical Courts of SIXTY ceremonies and practices symbolical of Popish Doctrines illegally introduced by the Ritualists into the Services of our Reformed Church.

The Church Association has circulated literature "wholesome and necessary" for these times,—millions of Pamphlets and Tracts against Ritualism—and by these means the country has been awakened to the dangers of the Ritualistic "Conspiracy." In this department the Association is really a Church of England Protestant Tract Society.

The Church Association has no sympathy with imprisonment of clergymen for Contempt of Court. It is promoting in Parliament a Bill which, if passed, will substitute Deprivation for Imprisonment.

The Church Association has also introduced a Bill into Parliament to abolish the Bishop's Veto, which at present bars the Laity from their right of appealing to the Ecclesiastical Courts in cases where the Romish Mass is thrust upon them in their Parish Churches.

The Church Association has to cope with lawlessness in high places, and to defend the interests of Law, Order, and Truth, with this view.

The Church Association has taken proceedings against the Bishop of Lincoln for illegal practices in his Cathedral.

The Church Association has also taken proceedings against the Dean and Chapter of St. Paul's Cathedral for having erected a Crucifix and a Madonna in the Metropolitan Cathedral.

The Church Association has to satisfy appeals for advice, guidance, and help which surge from distressed and oppressed congregations.

The Church Association has to abet and aid Protestant Home Mission-work, to assist those involved in controversy, to furnish papers on matters that arise affecting Evangelical religion, and to provide suitable Lectures.

The Church Association has to devise how to meet the schemes of Sacerdotalism in the widening arena of Politics.

The Church Association has to guard the interests of the Laity in all Church matters, especially in the matter of "Church Reform."

The Church Association has to check by every available means the attempted revival of sacerdotal caste privileges, and "benefit of clergy."

The Church Association has to contest the ground inch by inch in fighting the battle of the Reformation and defending the Constitutional Settlement of Church and State.

The Church Association appeals for support—Because it is necessary to oppose Ritualism, as helping to thrust upon the unwary the Popery which was cast out at the Reformation, and which made England cringe to a foreign potentate, kept back the Bible from our people, deluged our land with superstition and ignorance, and burned our Protestant Reformers.

The Church Association should be supported by all Protestant Churchmen. Because a powerful organization is needed to oppose the thoroughly organized efforts of those who are trying to undo the work of the Reformation; and it is the only organization with the special object of opposing the numerous agencies of Ritualism.

The Church Association should be supported by all Protestant Churchmen, because the "English Church Union," the "Society of the Holy Cross," the "Confraternity of the Blessed Sacrament," the "Association for the Promotion of the Unity of Christendom," and numerous Guilds, Brotherhoods, and Sisterhoods are actively promoting the avowed object of "un-Protestantizing" our Church.

The Church Association should be supported by all Protestant Churchmen because a large number of Clergy and Laity have joined the Church of Rome, and a much larger number have adopted thoroughly Romish doctrines and practices while still continuing in the Church of England; therefore all Protestant Clergy and Laity should support the only Society exclusively devoted to the work of defending the Protestantism of our Church.

The Church Association should be supported by all Protestant Churchmen, because good Churchmanship, as well as good citizenship, demands that the law now clearly decided should be obeyed.

The Church Association should be supported by all Protestant Churchmen, because the Ritualists are endeavouring to bring English men, women, and even children within the unhealthy and unhallowed influences of the Confessional, to which the Association is most resolutely opposed.

The Church Association should be supported by all Protestant Churchmen, because though God alone can defend our Church and country from all dangers, religious or national—and to Him must be all the glory of giving us the victory—He expects His servants as His instruments, to be "workers together with Him," to "earnestly contend for the faith," and, when His truth and honour are concerned, to be careful that we and our Church are "*first* pure, *then* peaceable."

The Church Association furnishes, by means of its monthly organ, "THE CHURCH INTELLIGENCER," exact information as to controverted points in the meaning and structure of the Book of Common Prayer, the Thirty-nine Articles and the Formularies; calls attention to attacks upon the Protestant principles of the Reformed Church of England, whether in Parliament, in Convocation, or in the Press; analyzes the drift of the movement for increasing sacerdotal privileges and assumptions, and especially the tendency to vest irre-

sponsible power in the hands of the Bishops, and is a channel for the exchange of thought between Churchmen who value these objects. "THE CHURCH INTELLIGENCER" costs one penny per month, and may be ordered of any bookseller.

The Church Association issues three volumes of Tracts of over thirteen hundred pages. These volumes deal with nearly every point of the Ritualistic Controversy, and show the practices which have been condemned as unlawful in the Church of England. They form a complete Library on the Ritualistic controversy, should be in the hands of every Protestant Churchman throughout the country. Sent free by post, *3s* 7½*d*. The Tracts may also be had separately.

The Church Association has published an Almanack for the pocket, price one penny, which is full of interesting matter. Churchwarden's Law. The word "Altar" inadmissible. The Law as to Daily Service. Statistics as to the Ritualistic conspiracy. Dates of principal events in Reformation. Lists of Archbishops, Bishops, Deans, Chancellors. Table of Lessons for every day in the year. Sunday Notes for Clergy, &c., &c., &c.

The Church Association therefore very earnestly appeals for increased support in the present critical position of the Church of our Fathers, because the position taken up by the Church Association is that of Protestantism against Popery—of Evangelicalism against Sacerdotalism—of the simple Gospel of the grace of God against its counterfeits and corruptions under the fascinating guise of an old heresy under a new face.

The Church Association enrols Working Men Subscribers at *1s* each; Associates at *5s*; Lay Members at *10s*; Clerical Members at *5s*.

The work is greatly crippled for want of adequate funds, urgent appeals for help from aggrieved Parishioners are unwillingly rejected on this account. Increased support means increased work. The Council would say with Bishop Barrington, "If the Reformation was worth establishing it is worth maintaining, but it can only be maintained by a constant vigilance in support of those principles which effected it in the sixteenth century."

All Special Donations and Subscriptions to carry on the work indicated above should be sent to the Secretary, Mr. HENRY MILLER, 14, Buckingham Street, Strand, London; or may be paid to the account of the Association at the Bank of Messrs. BARCLAY, RANSOM & Co., 54, Lombard Street, E.C., and 2, Pall Mall East, London, S.W.

The National Protestant League

in connection with

The Church Association.

Objects of the League.

1. To maintain unimpaired "the Protestant Reformed Religion, established by law," and to defend it against all encroachments of Popery.
2. To spread sound Protestant Truth in the Church of England.
3. To unite in prayer for the increase of Spiritual Religion.
4. To co-operate with the Church Association in upholding Reformation Principles; to educate the Young in Evangelical Truth; and to disseminate sound and wholesome literature.
5. To secure the return of Protestant Candidates at Parliamentary Elections.

Methods of Working the League.

1. The formation of Lodges in Towns and Villages.
2. Social gatherings in Drawing Rooms, School Rooms, or Gardens.
3. Public Meetings, Lectures or Tea Meetings, to give information, report progress, and to confer.
4. Meetings for Prayer.
5. Distribution of Literature.
6. Classes for Instruction.
7. Obtaining Signatures to Petitions.

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1. Each Member of the League (male or female) shall pay One Shilling per annum.

2. Each Member of the League shall undertake to devote his (or her) best ability to maintain the Protestant Religion, and to secure the return of Protestant Candidates at Parliamentary Elections.

3. Each Member shall receive from the Council of the Church Association in London the Diploma of the League; and a Badge can be purchased.

4. Any six or more persons in a Town or Village may form a Lodge, and call a meeting to enrol Members.

5. The President and Vice-Presidents of a Lodge shall pay Two Shillings and Sixpence per annum.

6. Not less than one-half of the Subscriptions received through a Lodge shall be remitted to London, the remainder being retained for local expenses. The Diplomas for Members of a Lodge will be forwarded from London on receipt (from the Lodge Secretary) of the half Subscriptions and names and addresses.

7. Each Lodge shall be governed by a Committee elected annually by its Members, such Committee being responsible to the Council of the Church Association in London.

8. Every Lodge shall, if possible, hold two Public Meetings or Lectures each year, and a special meeting of a Lodge shall be called whenever necessary, to consider any important matter referred to it by the London Council.

9. Minutes of Meetings, and a Register of Members and Associates shall be kept by every Lodge, and a brief Report of work done and progress made should be forwarded each year to the London Council.

The National Protestant League

in connection with

The Church Association.

Why should I join it?

1. **BECAUSE it seeks to give to the laity their legitimate share in the administration of Parish affairs.**

2. **BECAUSE it seeks to develop the Church rights of the People by preventing the abuses of so-called "Patronage," and the denial of justice by the arbitrary Veto of the bishops.**

3. **BECAUSE it claims that parishioners shall not be subjected to unwelcome and illegal changes in their accustomed mode of worship, whether with or without the connivance of the bishop.**

4. **BECAUSE it seeks to prevent the introduction into our Churches of the sacrifice of the Mass, and the idolatrous worship of consecrated wafers, by the "One-Man Power" of a disloyal priest.**

5. **BECAUSE it seeks to compel the bishops to administer the law of the land as laid down by Her Majesty's Judges.**

6. **BECAUSE it refuses to admit that clergymen should be exempt from the control of the Crown, or from obedience to the laws which regulate the conduct of every class in the community.**

7. **BECAUSE it witnesses that the "Church" in the New Testament did not mean the clergy (whether in or out of Convocation) but the "Congregation of faithful men," mentioned in Art. xix.**

8. **BECAUSE it seeks to make the "Voice of the Church" (i.e., the voice of the People who form the Church) the recognised arbiter in settling Church disputes (St. Matt. xviii.-17).**

9. **BECAUSE it enforces the responsibility belonging to citizenship in a Christian land, of selecting representatives in Parliament who shall give effect to this programme, and abolish the unchristian divorce between the "secular" and "spiritual" departments of human life, both of which equally and alike belong to God.**

10. **BECAUSE it upholds liberty of conscience as a first principle of political Freedom, and upholds Civil and Religious Liberty, freedom of the press, and freedom of speech for Churchmen and Nonconformists alike.**

11. **BECAUSE it maintains the right of every man to "come boldly to the throne of Grace," through the One Mediator (1 Tim. ii. 5), without the intervention of Priest or Prelate.**

12. **BECAUSE it upholds the liberties of the people, and by uniting them in a powerful League affords them the opportunity of making their influence felt in a manner which, as individuals, they would be powerless to do.**

Every lover of his Country, and friend of Civil and Religious Liberty, should join the League.

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ARE CRUCIFIXES IN CHURCHES LAWFUL?

BEING EXTRACTS FROM THE JUDGMENTS

OF

THE OFFICIAL PRINCIPAL OF THE ARCHES

AND OF THE

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

IN

RIDSDALE *v.* CLIFTON.

THE best forecast of the future in most cases, but especially in those wherein the weaknesses and failings of mankind are concerned, is to be obtained from the experience of the past. And it was to the past that the Court in *Philpotts* v. *Boyd*, emphatically appealed in justification of the Exeter Reredos. In speaking of "painted representations of portions of sacred history, to be found in many of our churches," the Court relied upon the circumstances that these paintings "had been proved by long experience to be capable of remaining there without giving occasion to any idolatrous or superstitious practices." Would an appeal to the experience of the past, in the case of Crucifixes, bring out the same result?—or, rather, it should perhaps be asked, would not the result be the very opposite?

It is precisely here that, to my mind, the great difficulty presents itself in the proposal now made to sanction the restoration of so well-known an object as the Crucifix to that place in our Churches to which for three hundred years it has been a stranger.

The Crucifix, as set up in our Churches, has a special history of its own.

Before the Reformation, the "Rood" was ordinarily to be found in Parish Churches in this country. It presented the carved, sculptured, moulded, or painted figure of Jesus Christ on the Cross, and was, in fact, "a Crucifix, with images at the base."—See Perry's "Lawful Church Ornaments," p. 247.

This figure was erected on a structure called the Rood Loft, which appears to have traversed the Church at the entrance to the chancel; in fact, it occupied as nearly as may be the position which the iron screen in the present case does.

There is in existence the most precise and unquestionable evidence on this matter, and it is to be found in the records of the Lincolnshire parishes, printed in Mr. Peacock's book on Church Furniture, and dated A.D. 1565-6.

So universal does the existence of the "Rood" in some form, either sculptured or painted, seem to have been, that in these returns of the Churchwardens of upwards of 150 parishes, there is mention of the Rood as having been defaced or pulled down in at least 140.

It will also be found that in Bonner's Articles, put forth during the reign of Queen Mary, in the year A.D. 1554 (see Card., Doc. Ann., vol. i., p. 152), inquiry is made "whether there be a Crucifix, a Rood Loft, as in times past hath been accustomed; and if not, where the Crucifix or Rood Loft is become, and by whose negligence the thing doth want."

Again, in Cardinal Pole's Articles, A.D. 1557 (Card., Doc. Ann., vol. i., p. 206), "whether they have a Rood in their Church of a decent stature, with Mary and John."

After this period, the historical evidence abounds that in the reign of Elizabeth these Roods and Rood Lofts were destroyed, far and wide, as monuments of idolatry and superstition, but I am not at present concerned with that circumstance, save so far as it serves to show that they had existed, and were of general if not universal occurrence.

Not only so, but in the year 1560 a discussion appears to have arisen as to the propriety of setting the Roods or Crucifixes up again in Parish Churches.

In the Zurich Letters, first series, p. 67, is a letter by Bishop Jewel, dated 4th February, 1560, in which he says:

"This controversy about the Crucifix is now at its height. . . A disputation upon this subject will take place to-morrow. . . . For matters are come to that pass, that either the Crosses of silver and tin, which we have everywhere broken in pieces, must be restored, or our Bishoprics relinquished."

In the same series, at pages 73-74, dated 1st April, in the same year, is a letter of Bishop Sandys, in which is the following passage:

"We had not long since a controversy respecting images. The Queen's Majesty considered it not contrary to the Word of God, nay, rather for the advantage of the Church, that the Image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the Church, where they might more readily be seen by the people. Some of us thought far otherwise, and more especially as all images of every kind were, at our last Visitation, not only taken down, but also burnt, and that too by public authority, and because the *ignorant and superstitious multitude are in the habit of paying adoration to this Idol above all others.*" * * * * * "God delivered the Church of England from stumbling blocks of this kind."

From all this it is plain that the Crucifix formed an ordinary feature in the Parish Church before the Reformation; and it cannot be doubted that it did so, not as a mere architectural ornament, but as an object of reverence and adoration.

If any proof was required of this proposition, it may be found in the fact that the worship of it was enjoined in the Sarum use, the Missal most largely accepted and used in England before the Reformation.

This was especially the case on Palm Sunday. In the order of

service or that day, given in the Sarum Missal, a very elaborate service ended with the adoration of the "Rood" by the celebrant and choir, before passing into the chancel.—See Rock's "Church of our Fathers," vol. ii., p. 229. Sarum Missal, Burntisland Edit. A.D. 1861, p. 262.

Such is, most briefly, the part played by the "Rood" or Crucifix in English Churches in the past. If set up again in them now, what part is it likely to play in the future?

It is no doubt easy to say, What proof is there of danger of idolatry now? What facts are there to point to a probability of "abuse"?

But when the Court is dealing with a well-known sacred object —an object enjoined and put up by authority in all the churches of England before the Reformation, in a particular part of the Church, and for the particular purpose of "adoration"—when the Court finds that the same object, both in the Church and out of it, is still worshipped by those who adhere to the unreformed Romish faith, and when it is told that, now after a lapse of three hundred years, it is suddenly proposed to set up again this same object in the same part of the Church *as an architectural ornament only*—it is hard not to distrust the uses to which it may come to be put, or escape the apprehension that what begins in "decoration" may end in "idolatry."

If this apprehension is a just and reasonable one, then there exists that likelikood and danger of "superstitious reverence" which the Privy Council, in *Philpotts* v. *Boyd*, pronounced to be fatal to the lawfulness of all images and figures set up in a Church.

Before concluding that it is so, let me pass in review the arguments urged in favour of the opposite side of the question.

I will place, first, among them the consideration, forcibly pressed on the Court, that the times we live in are not as the times before or at the period of the Reformation; that images and figures which gave occasion then "for unhealthy minds" to abuse, "we, in our more extended knowledge, may be permitted to use with safety."

That there is a wide difference in the state of knowledge, and still more in the degree of its general diffusion, between the 19th and 16th centuries will not be denied; but is it equally certain that superstition has waned in proportion as the light of intellectual culture has advanced, and that the ground gained by the one, has been lost by the other?

Is it really so absurd, as it was argued to be, to imagine that in the present day the worship of lifeless images and figures, not as idols, perhaps, but as aids to devotion, should again prevail as in old times?

The fear that it should be so may be unfounded, but I question whether intellectual culture can be relied upon as a safeguard against it; for, if so, what is to be said of the Romish Church and of those able and distinguished men who, in our own day, have not hesitated to join it and accept its doctrines?

What I am here discussing, I must again repeat, is not the belief in an idol of wood or stone, but the practice of involving in devotional exercises outward and visible forms, as inculcated in the devotional books of the Roman Catholic creed.

This is the "fond thing vainly invented" of the twenty-second Article of Religion; and the mere fact of the existence of such a doctrine in that Church, among whose members high intellectual power and acquirement is rife, is to my mind a conclusive answer to the suggestion that the intellect or knowledge of the present day may be relied upon to take the place of those safeguards which it was the work of the Reformation to establish.

But another consideration must not be lost sight of. If the intelligent and the cultivated no longer need the protection of old days, can the same be said of the weak and ignorant? The Parish Church is for all—not for a class—and if the Crucifix, placed as it is in this instance, is lawful for St. Peter's Church, it is lawful for every Parish Church in the country, and may be provided for every congregation—strong-minded or weak, instructed or ignorant.

Let it be considered to what such a state of things as that would be likely to lead.

If devotion to our Lord comes to be habitually paid immediately before a sculptured figure of His Body on the Cross, which arrests the eye and occupies the imagination while the mind is in attitude of prayer, it may be easy to some, and possible to many, but hardly possible to all, to wholly dissociate the outward object from the inward prayer, and exclude it from playing any part in that devotion.

The immediate presence before the eye of an outward form or object proffers an assistance, though of a spurious kind, towards fixing wavering thoughts, and exalting religious fervour, which can hardly be rejected by those who most feel the want of it, and to whom all abstract thought is a difficult exercise. When there cease to be any such, the peril may cease also; but, until then, it is impossible, I think, to accept the alleged robust temper of the present times as a safeguard against so obvious a temptation.

Another argument urged for the Respondent was this, that crosses had been as much abused and worshipped before the Reformation as Crucifixes, and are therefore as much in danger of abuse now, and yet Crosses were by the Court, in *Westerton* v. *Liddell*, held not to be unlawful as ornaments. I will only say on this head of argument that the Court in that case were of a contrary opinion; that for reasons which they considered sufficient, they distinguished Crucifixes from Crosses in this respect, and that if they had been unable to do so, there is nothing to show that, in their judgment, either Crosses or Crucifixes would have been lawful ornaments.

A further objection was then taken that, if the delineation of the Crucifixion in sculpture may not be lawfully set up in a church, the same thing must be equally true of a picture in a painted window, exhibiting a similar figure.

It is not to be doubted that, in many churches (and in the notable instance of St. Margaret's Church, at Westminster, where

the window is of great age), representations of the Crucifixion in painted glass or paintings are to be found, and I am not prepared to offer any definition which should draw a sharp line of distinction between such decorations and a Crucifix. Indeed, I doubt whether any narrower or more exact definition of what is lawful and what unlawful, can, for practical purposes, be framed, than that which is set forth in the case of *Phillpotts* v. *Boyd.*

But, adhering to that decision, and each case standing on its own circumstances, it is, I think, to be presumed that the Court of Appeal would not hesitate to adjudge even painted windows, or paintings portraying the same subject, to be unlawful if it was satisfied from the mode in which the subject was treated, the place which they occupied, or other the incidents and surrounding circumstances that they were in real danger of adoration, worship, or superstitious reverence. So long as they are free from this charge and fulfil no other function but that of fitly decorating the Church, they are free from objection—the moment that, from any cause, whether residing in the objects themselves, or arising among those who worship in the Church, the danger of their adoration is made manifest, I conceive that they cease to be innocent, and fall under the charge of illegality.

Up to this point I have considered only the reasons which lead to a conclusion that this Crucifix is likely to invite "superstitious reverence." I will now say a few words on the alternative proposition, that it is intended only, and is likely to serve only, as an architectural decoration.

Viewing the matter in this light, the remark naturally arises that this particular figure of the Crucifix, while it may be justly said to stand highest among the representatives of Gospel history in its fitness for the purposes of adoration or worship, must surely be admitted to occupy a very inferior place among the subjects adapted for the display of mere architectural beauty.

In association with other figures, and as embodying the scene of the Crucifixion, it has no doubt been the subject of artistic treatment; but by itself, as it appears here in this Church,

standing alone, without incidents or adjuncts, it is a subject which, however artistically treated, might be so well spared in the mere decoration of Churches, that it is not easy to conceive that it should be selected solely for that purpose.—*Judgment of Lord Penzance, February 3rd, 1876.*

* * * *

On Appeal this Ruling was affirmed by the Privy Council, who, after quoting from the above, added :—

"In these observations of the learned Judge their Lordships concur; and they select them as the grounds of his decision which commend themselves to their judgment. They are prepared, under the circumstances of this case, to affirm the decision directing the removal of the crucifix, while at the same time they desire to say that they think it important to maintain, as to representations of sacred persons and objects in a church, the liberty established in Philpotts *v.* Boyd, subject to the power and duty of the Ordinary so to exercise his judicial discretion in granting or refusing faculties, as to guard against things likely to be abused for purposes of superstition."

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"INTO THEIR HANDS."

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"Into their hands."

THE following official announcement has been made to the congregation of St. Andrew's, Worthing :—

"Communicants are particularly requested to observe the following points :—1. To receive the Sacrament of the Lord's Body into their hands, viz., the palm of their hands, and not to take it between their thumb and finger. 2. To take hold of the foot of the chalice when it is administered to them, and so to ensure being communicated. This will save the priest much anxiety. [Signed] Gilbert Moor."

Mr. T. Smelt states that at Hurstbourne Tarrant, near Andover, the officiating clergyman

"Refuses to administer the sacrament unless the recipient will receive the bread in the palm of his hand; he won't allow anybody to touch or take it with the fingers, and if they attempt to do so he passes them by without farther notice, not even offering them the cup."

Now, as 'high' priests teach that no one can 'generally' be saved who does not "eat the flesh and drink the blood" of the "Sacramental Jesus," the "Eucharistic God" (as the consecrated elements are variously designated by Romanists and their imitators), it would seem that the sin of 'taking' the bread from the clergyman's hand is held by them to endanger the spiritual safety of the rejected communicant! Does not the uncharitableness of Rabbinical pedantry consist in "teaching *for doctrines* the commandments of men?"

Three reasons for the new mode are assigned by Ritualists.

1st. That the Prayer Book orders the minister to "deliver the communion to the people into their hands," which, they say, *must* mean depositing it in the open palm of one hand.

2nd. That S. Cyril of Jerusalem (A.D. 361), wrote—

> "When you draw near, do not come with your palms wide open, or your fingers apart; but making your left hand a support for your right, as about to receive a king, and making your palm hollow, receive the body of Christ."

And that the same direction was repeated by the Council of Constantinople, A.D. 692, and by John of Damascus, A.D. 750, both of whom add that the hands must be in the form of a cross.

3rd. That danger of a possible accident is incurred by every communicant who 'takes' the bread instead of allowing the priest to deposit it in the 'hollow' palm.

Since these 'reasons' find acceptance in certain quarters, it becomes worth while to consider them.

As regards the English Prayer Book it is clear that the 'delivery' of the Cup "into the hands" cannot possibly mean depositing it in the hollow palm of one hand, although the 'delivery' of the cup is prescribed in identical terms with that of the bread in the Rubric which relates to "both kinds." That delivery, moreover, is directed to be "in like manner" to the reception by the celebrant, who necessarily employs his fingers when 'taking' the bread. The old Mozarabic liturgy directed the priest to say "I will take from the table of the Lord," &c.[1] And the Church of Rome even now directs the priest to "take (*accipit*) both parts of the (broken) Host between the thumb and forefinger of his left hand" at the time of his own reception. That was prescribed also in the Use of Sarum.[2] So that it is only laymen's fingers which appear to be objectionable.

[1] "De mensa Domini accipiam," Smith's Dict. Christian Antiquities, p. 415.
[2] Maskell's Ancient Liturgy, p. 121-3. Hammond, p. 350.

The English Rubrics twice direct the minister to "take the cup into his hands." He is also to "take the paten into his hands," just as at baptism he is to "take the child into his hands." These are the only instances in which the same words occur, and in not one of them can the phrase be understood as implying the open palm of one hand made 'hollow' for the occasion. The word 'Take,' it will be remembered, was part of the Divine formula of Institution, and it is beyond question that as so employed it implied some use of the fingers. For where it is said that our Lord 'took' the loaf, and 'took' the cup, as also when He said, "Take this, and divide it among yourselves" (Luke xxii.-17, λάβετε), the very same word is employed which the Anglican minister now addresses to his fellow communicants.

In the Syriac liturgy of Ignatius the Patriarch, our Lord's words stand paraphrased. "Take and drink each from one another's hand."[3] In the liturgy of S. Chrysostom, as Canon Swainson points out, "if other priests were present they seem to have passed the paten and chalice to each other. Then the deacons receive in like manner."[4]

The Rubrical word there was 'share' or 'partake,'[5] corresponding to the 'part-taking' of the sacrificial meal mentioned by St. Paul 1 Cor. x.-17, 21, at which it need hardly be said that (before the invention of knives and forks) some use of the fingers was always involved.

Indeed, the liturgical utterance of the word 'Take' was not only the warrant but the signal for the delivery to the individual of his 'share' in the covenant feast.

Mr. Scudamore remarks:—

"After the words 'Take, eat,' the liturgy of St. Mark bids the deacon say, as a direction to the people, 'Stretch forth.' Similarly, after the clause 'Drink ye all of it,' he says, 'Still stretch forth,' I understand, 'your hands.' Ἐκτείνεν χεῖρα is

[3] Scudamore, Notitia Eucharistica, p. 630.
[4] Swainson's Greek Liturgies, p. 147.
[5] μεταλαμβάνουσι, Swainson, p. 140.

the common phrase, when anything is, as here, to be *touched* or *taken hold* of. See the LXX, Gen. viii.-9; xix.-10; xlviii.-14; Exod. iv.-4, &c. St. Matt. viii.-4; xiv.-31; xxvi-51; St. Mark i.-41; St. Luke v.-13, &c., &c."[6]

About a thousand years later, when "hearing mass" had taken the place of the primitive participation of the Lord's Supper, Maldonatus, the Jesuit, mentions that "the non-communicating laity when the Eucharist is exhibited stretch forth their hands as if in the gesture of taking it, and then move their hands to their mouths," which (as the writer who sometimes passes under the name of "Bp. Cosin" observes) is a pathetic protest against the unjust Stewards who have taken away the children's bread.[7]

On reverting to the Gospel narrative of the original institution it will be seen that all modern distinctions between reception by the celebrant and that of the rest of the Church can only be defended as being matters of order which have in fact varied, and may lawfully be modified from time to time, "according to the diversities of countries, times, and men's manners."[8] Since, as Chrysostom says, "under the Old Testament, when the priest ate some things, and those under him others, it was not lawful for the people to partake of those things whereof the priest partook. But *not so now*, but before all one body is set and one cup."[9]

All who were bidden to "Take, eat," were also authorised to 'Do' what our Lord then did. The force of this consideration is shown by the precaution of the Louvain Doctors, who in 1662

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[6] Not. Euch. p. 614. So Dionysius of Alexandria (A.D. 200) speaks of a layman "standing at the holy table, and stretching forth his hands to receive the holy food," *χεῖρας προτείναντα*. (Euseb. Eccl. Hist. lib. vii. c. 9.) And in his Canonical Epistle to Basilides, he speaks of believing women as "approaching the holy table and touching the 'body' and 'blood' of the Lord"; on which Balsamon remarks, "anciently women went into the sanctuary and communicated from the holy table" (*ἀπὸ της ἁγιας τράπεζης μεταλαμβάνον*). Bohn's edition of Eusebius states, quite *incorrectly*, that Chrysostom prescribed the 'hollow' palm.

[7] Cosin's Works, V.-112. [8] Art. xxxiv. [9] Hom. xviii. on 2 Cor.

altered Matt. xxvi.-27 into "Drink ye all *twelve* of it," and St. Mark xiv.-23 into "and all the *twelve* drank of it." [10]

Whereas the 'We' who 'broke' the bread and 'blessed' the cup in 1 Cor. x.-16 are described by St. Paul as being the whole Church, as the very next verse, and indeed the whole context demonstrates. The word 'We' in that verse, so far from being emphatic, is not even expressed in the original. If, then, the whole celebration thus belonged to the Church, as such, *a fortiori* the mere distribution of the elements after consecration belonged to the minister only as being "the brother who presided" [11] and who customarily distributed the broken fragments by the hands of the deacons to the rest of the 'brethren.'

But all this was merely regulated by custom. Tertullian (A.D. 200) says "the Sacrament of the Eucharist, commanded by our Lord both at a meal time, *and to* ALL, we are in the habit of taking *even* in meetings before daylight, nor from the hands of others than the Presidents." [12] He gives this as an illustration of current traditions "which no scripture has prescribed."

About the same date, Clement of Alexandria wrote: "Some in the dispensing of the Eucharist *according to custom* (ὡς ἔθος) enjoin that each one of the people should take (λαβεῖν) his portion; conscience being the best guide for choosing or refusing rightly." [13]

In the next century Basil wrote: "It is superfluous to show that it is no great offence for a man to be compelled, in the times of persecution, to take (λαμβάνειν) the communion with his own hand, in the absence of priest or deacon, for long custom has established this by this very practice. For all the

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[10] Littledale's Plain Reasons, Chap. 58.

[11] The title Προεστὼς used by Justin Martyr, belonged then to a civil officer who might 'preside' at a wedding, a village club, or on the bench with his fellow judges. Tertullian says "certain seniors preside, obtaining that honour not by purchase but by established character." Apol. xxxix. Compare Didachè, xiv.-1.

[12] De Coronâ, Cap. 3.

[13] Stromata, p. 318, Ed. Potter.

monks in the deserts, where there is no priest, retaining the communion at home, receive (*μεταλαμβάνουσιν*) from themselves. Again in Alexandria and in Egypt, each, even of those who live amongst the people (*as is done for the most part*) has the communion at home."[14]

So common was this that Jerome (who mentions incidentally that the bread was conveyed in a wicker basket, and the 'blood' in a glass vessel) complains of some who even preferred to receive at home instead of coming to church. Various councils, as that of Saragossa, A.D. 380, and Toledo, A.D. 400, denounced those who after taking their 'portions' in church did not, after all, partake of the elements so reserved.[15] So late as A.D. 1180 Balsamon, writing of the reserved sacrament, says "the Latins, even though they be laymen, give these sacraments not only to themselves, but to others also."[16] And in 1886 Mr. Scudamore testifies that "Greek monks still carry the holy Eucharist with them when on a long journey."[17] In all such cases (which might be multiplied indefinitely) it "goes without saying" that laymen's fingers *must* have been used in 'taking' the morsel. Yet such "Catholic Fathers of the Church" as Cyprian, Augustine, Basil, Ambrose, Gregory, and Jerome (to name no more) recognised and approved the custom without thought of our nineteenth century fad about laymen's fingers. Even when (in A.D. 692) the Council of Constantinople forbad laymen to help themselves *in presence of* a clergyman, they merely punished the offenders by *a week's* suspension, "that they may thereby be taught not to be wiser than they ought to be." This was evidently regarded as a mere clerical bye-law to secure order, without so much as a hint or suggestion of 'sacrilege,' which would have met with a far severer punishment.

Bp. Kingdon has shown, too, that in the earliest times, even

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[14] Ad Cæsariam Patriciam. Ep. 93 or 289.

[15] Not. Euch. 905.

[16] Bp. Beveridge's Pandects, i.-225.

[17] Not. Euch. 906. Boys and women were sometimes employed to distribute the fragments to the sick, prisoners, and other absentees. Bona, Rerum Liturg., II. xvii.-5, 7. Smith's Dict. Christian Antq., i.-836.

apart from the Agapè, the Eucharist frequently formed the prelude to an ordinary meal;[18] and Martene mentions that certain orders of monks used on Maundy Thursday to place a host on each man's bread in the refectory when "the blessing having been made silently by the Prior, each man who chose might take the host and eat it, the Prior taking the lead."

When we call to mind that the Eucharist was the analogue of the paschal supper, and the counterpart of the communion feast in other forms of sacrificial worship (1 Cor. x.), and lastly that the joint participation of the consecrated viands constituted it the pledge of unity among brethren sharing the same covenant feast in common at the 'table' of their reconciled Father, we shall readily recognise that the 'taking' by individuals of the bread broken for each and of the cup delivered to all alike was a not inappropriate gesture at the Supper of the Lord.[19]

But superstition soon marred the simplicity of the rite. Men began (A.D. 692) to bring receptacles of gold or other precious materials for the reception of their 'portions,' and though this practice was checked, women were, nevertheless, bidden to cover their hands with clean linen cloths, and the Council of Auxerre so early as A.D. 578, forbade "a woman to receive with bare hands," or to "put her hand to the corporal."[20] This was followed in 847 by Pope Leo IV. forbidding women to touch even the cup; and the Council of Rouen (A.D. 880) "strictly prohibited

[18] Fasting Communion, pp. 201-233.

[19] Compare the Reformatio Legum, De Sacramentis C. 4. "Eucharistia sacramentum est, in quo cibum ex pane sumunt, et potum ex vino, qui convivæ sedent in sacra Domini mensa."

[20] The free access of the laity to the Holy Table is shown also by the story which Gregory of Nazianzum tells of his sister Gorgonia (A.D. 339), who "laid her head against the altar" while "her hand treasured somewhat of the antitypes of the precious body and blood," which (alas!) she applied as a cure with which to "anoint her whole body" [Orat. VIII. § 18]. It is shown too by the allusion of Chrysostom who threatened a theatre-goer, "I will not receive him within this chancel; I will not give him to partake of the mysteries; I will not suffer him to touch the Holy Table" [Contra Ludos., Tom. VI. 276. D. So again De Davide, Hom. iii., Tom. IV. 769. C.].

Presbyters from placing the Eucharist in the hands of any lay person, commanding them to place it in their mouths." Even sub-deacons had thenceforth to forego the use of their own hands. This priest-glorifying arrangement prevailed from the ninth century downwards and was temporarily retained in the provisional order of 1549, which had the following rubric :—

"Although it be read in ancient writers, that the people, many years past, received at the priest's hands the sacrament of the body of Christ in their own hands, and no commandment of Christ to the contrary : yet, forasmuch as they many times conveyed the same secretly away, kept it with them, and diversely abused it to superstition and wickedness : lest any such thing hereafter should be attempted, and that an uniformity might be used throughout the whole realm, it is thought convenient the people commonly receive the Sacrament of Christ's body in their mouths, at the priest's hand."

Of course such a barbarous method would fail to prevent any real sacrilege. The Pseudo-Aquinas mentions that the origin of the use of the mediæval (unconsecrated) wine-cup after receiving the consecrated wafer was "that women addicted to witchcraft might not so easily be able to reserve the body of Christ *in their mouth* for the perpetration of any crime of theirs, as we have often understood that many cursed women have done."[21]

But so soon as Cranmer and the reforming bishops could rid themselves of their Romish colleagues (Bonner, Gardiner, Heath, Day, Voysey, and the rest) they at once directed the cup to be 'delivered' to the people, instead of merely "giving the Sacrament of the blood" for "every one to drink ;" and the bread also to be given "to the people in their hands," while at the same time the words of distribution were changed into—

"Take and eat this, in remembrance that Christ died for thee, and feed on Him in thy heart by faith with thanksgiving."

It is important to remember that the word 'Take' was for the

[21] Not. Euch. 725 n. John Beleth in A.D. 1192 explains that this was done "lest by chance any of the Sacrament should have been left in their mouth, which might easily be spat out." Ibid. p. 715.

first time introduced as an address to the communicants in the "Second Prayer Book of Edward," 1552. More than a twelvemonth previously, however, John a Lasco had published in London, and under Royal Letters Patent, a liturgy, in which each separate communicant was directed to "Take thence (*i.e.* from the paten) a morsel of the bread"; and "one hands to another the cup he had received from the minister."[22]

That practice had also been advocated so early as 1533 by the Martyr Tyndale who proposed—"Every man breaking and reaching it forth to his next neighbour."[23]

Tyndale's description of wafers shows also why they were abolished in the Liturgy of 1552. "Little pretty thin manchets that shine through, and seem more like to be made of paper, or fine parchment, than of wheat flour. About which was no small question at Oxford of late days, whether it were bread or none; some affirming that the flour, with its long lying in water, was turned to starch and had lost its nature." Gluten bread is no more true 'bread' than gelatine is beef; and unbroken wafers could not represent either, "the breaking the bread," or the oneness of "the loaf." (1 Cor. x.-17.) *See* Becon's Works, ii.-301, iii.-267, 363.

The Marian exiles at Geneva, in 1566, had a rubric, "The Minister takes the bread, breaks and distributes it. So likewise the cup. They, when they have received, divide it in their turn among themselves."[24]

John Knox's Scotch liturgy of 1567 had "The Minister breaketh the bread, and delivereth it to the people, who distribute and divide the same among themselves," &c.

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[22] La Forme et Maniere, &c., fol. 144. The direct influence of this liturgy upon our own Prayer Book was shown in the CHURCH INTELLIGENCER, iv.-13. Even in England, as we learn from Becon, the chaplain of Abp. Cranmer (Works, ii. 301), "a layman to touch the sacramental bread or cup with his bare hand is counted in the Parish Church a grievous sin; but if the layman have a glove on his hand, made of sheep's skin, then he may be bold to touch it: as though there were more holiness or worthiness in a sheep's skin than in a christian man's hands. O hypocrites, swallowing in a camel and straining out a gnat!"

[23] Works, Parker Soc., iii.-267.

[24] Ratio et Forma, p. 52.

Under Elizabeth, the words of distribution remained the same which had been adopted in 1552, though prefaced as now by the *prayer*, "The body of our Lord preserve," &c. Yet it is clear that the word 'take' was then understood to imply an active use of the whole 'hand' and not the passive tendering the mere 'palm' of one hand.

The papist Myles Huggard, in his "Displaying of Protestants," 1556, deriding the Edwardian usages, said, "Some would hold the cup himself, some would receive it at the minister's hands, some of his next fellow." John Rastell in his "Challenge to Bp. Jewel," 1565, taunts him, "that the lay people communicating did take the cup at one another's hands, and not at the priest's."[25] Mr. Lewis, in his recently published "Life of Bp. Hall," (p. 33), quotes a like railing description of the practice at Emmanuel College in 1584. They "doe pull the loaf one from the other, after the minister hath begon. And soe the cup, one drinking as it were to another, like good fellows, without any particular application of the saide words, more than once for all."[26]

After making due allowance for the exaggerations of professed caricaturists, such statements prove at least that at the time when the word 'Take' was originally introduced, it was understood to admit of the practice which some private parsons now presume "of their own extemporal wits" to forbid. As the direction to 'deliver' is binding on the clergyman, so the direction to 'take' is addressed to the layman, whom alone it concerns. Let each therefore mind his own business.

"Here it may be noted that the old Latin service gave only the

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[25] Heylin, Hist. Ref., ii.-430.

[26] The question of the administration to 'railfuls' at one time is not now under discussion; but it must be remembered that in 1552 the distributive words "to everyone" were struck out from the book of 1549, and that the existing words "to any one" (which are general but not necessarily distributive) were not inserted till 1661. The Twenty-first Canon of 1604 restricted the liberty which under the rubrics of Edward and Elizabeth had existed in this respect. The abolition of that restriction was recommended by the Ritual Commissioners in their Fourth Report, p. 20.

form in which the priest received, while in 1549 and ever after, the form of delivery to the people alone was given, showing how once the priest alone was remembered, and now he was merged in the people."[27] "When the Prayer Book was revised at the beginning of the reign of Elizabeth (1559) these two sentences were combined: so that our present form contains the most ancient and simple words of delivery; adding the prayer formed with them in Gregory's time, and continued in the missals; and also the favourite words of the staunchest Reformers, implying that each individual is to *take*, and eat and drink, with an application of the merits of Christ's death *to his own* soul."[28]

This, and nothing less than this, is involved in the language of our Book of Common Prayer. The active going forth of the individual soul, the conscious effort to 'meet' the Father on the part of the prodigal, the laying hold of and appropriating an individual share of the common gift, this (and not mere passive receptivity while undergoing some change supposed to be effected upon physical contact with consecrated matter placed by a priestly Mediator within the mouth or in the 'hollow' palm) is the meaning of the custom so long and legitimately received among us. Canon Norris (in his valuable '*Catechists Manual*,' Longmans, p. 57) says: "For this same reason—to show that effort on our part is necessary—the Catechism inserts the word '*taken*' before the word 'received.' As the bread and wine are not received unless the hand be reached forth to take them, so what Christ offers is not received unless the hand of faith be reached forth to take it. This is the teaching of the 29th Article." "The word 'taken' points by sacramental analogy specially to the office of faith as the soul's *hand*, and the word 'received' to the office of faith as the soul's *mouth*."[29] "How shall I hold him who is absent? How shall I send my hand into heaven, that I may hold him who sits

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[27] Hole's Manual of the Book of Common Prayer, p. 152.

[28] Procter's Hist. Common Prayer, p. 351.

[29] Dimock's Papers on the Doctrine of the English Church, p. 732.

there? Send forth faith, and thou hast held him," said St. Augustine."[30] "By the *hand* of faith we reach unto Him, and by the *mouth* of faith we receive His body," says Bp. Jewel;[31] and Abp. Whitgift defended our use of the words of distribution in the singular number by the consideration that "forasmuch as every one that receiveth this Sacrament hath to *apply unto himself* the benefits of Christ's passion, therefore it is convenient to be said to everyone: "Take thou, eat thou."[32]

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As to the supposed authority of Cyril of Jerusalem (who appears to be the real author of the new fashion, and who is charged with Semi-Arianism by the Biographer of St. Athanasius), apart from the fact that the writings attributed to him are in whole or in part pretty certainly not his at all, as Bp. Andrewes and Dean Goode have shown[33] we have to consider how far we are prepared to follow that divine, who *in the very same passage* from which the above practice is taken, also recommends the communicant to touch his eyes with the bread, and adds, "touch with thy hands the moisture remaining on thy lips and sanctify both thine eyes and thy forehead and the other organs of sense!" English churchmen kneel in prayer, and also at the reception, whereas Cyril did neither the one nor the other. What, then, is the value of an 'authority' who is to be followed only when his views and those of the reader happen to coincide? According to the principles of Canon law, Eastern councils are in no way binding upon Western Christians in matters of discipline: whereas English clergymen are bound by the decrees of *their own* "particular and National church" (Art. xxxiv). As to the supposed danger of 'accident,' may it not be reasonably

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[30] In Joan, xi. Tract L. 4.

[31] Works, p. 1119, ed. Parker Soc.

[32] Works, iii.-97. "The Mystery of the Lamb," said Justin Martyr (Trypho., cap. 40), "which God commanded to be sacrificed as the Passover, was a type of Christ; with whose blood they who believe in Him sprinkle their own houses, *that is themselves*, according to the proportion of faith in Him."

[33] Nature of Christ's presence, i.-482.

contended that the conveying bread to the mouth without the aid of the fingers is much more likely to contribute to such a result? No one would dream of preventing an 'accident' at his dinner table by taking all his solid food solely from the palm of one hand. The 'palm' is common to man with the brutes, whereas the thumb (forming with the fingers a forceps of marvellous flexibility and accuracy) is the unique distinction of Man "made in the image of God." Cardinal Bona suggests that the practice of withdrawing the Sacrament from the hands of the laity "began in the West when wafer-bread, as it is called was introduced, owing to the greater danger *after that* of particles falling from the hand."[34] Yet Ritualists now argue in favour of wafers precisely because of their supposed freedom from this 'danger'! The superstitious dread which magical theories about the Sacrament induce is by far the most fruitful source of 'danger' in all these cases. Wine has been spilled through the impossibility of giving it to a person who will neither "take the cup of salvation" nor even lift up the head sufficiently to drink properly; bread has been lost and even knocked down through the exaggerated prostrations of hysterical devotees. But we are not now contending against the practices of others, but claiming the freedom of "ordered liberty" within the Established Church for individual lay communicants whom certain clergymen debar from Holy Communion because they continue to use their 'hands' in the manner which differentiates the human hand from that of anthropoid apes.

To such persons we would point out that according to the Prayer Book "every minister so repelling any shall be *obliged* to give an account of the same to the Ordinary within fourteen days after at the farthest. And the Ordinary *shall* proceed against the offending person according to the Canon." By the common law of England every baptized confirmee is entitled, as of right, to receive the Sacrament unless

[34] Not. Euch. p. 725.

he be excommunicate, or is being thus "proceeded against." It was held in *Jenkins* v. *Cook* (1 P.D. 80) that the Act 1 Ed. VI. c. 1 conferred also a statutory right. It enacts that the "minister shall not without a lawful cause deny the same to any person that will devoutly and humbly desire it; any law, statute, ordinance, or custom contrary thereunto in any wise notwithstanding." Even before the Reformation[35] nonconformists were presented for "not taking their rights at Easter." It is in the interests of Christian liberty that the encroachments of priestly tyranny should be resisted. When St. Paul circumcised Timothy "because of the Jews" (Acts xvi.-3), he was charitably waiving his Christian liberty to avoid giving offence. But when the very same rite was attempted to be forced upon all converts on the ground that "ye needs *must*," the same Paul gave place by subjection, "No, not for an hour" (Gal. ii.-3, 13), but rebuked publicly even the Prince of the Apostles whose infallibility had been "carried away with their dissimulation." Nay, St. Paul went further, and said that if on such grounds as these circumcision were even submitted to, "Christ shall profit you nothing."

"Stand fast therefore in the liberty wherewith Christ hath made us free."

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[35] Abp. Warham's Visitation, A.D. 1511, in *British Magazine*, Vol. xxxi.-173.

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Ecclesiastical Prosecutions

ORIGINATED AND ADVOCATED BY

THE ENGLISH CHURCH UNION.

By Mr. WALTER WALSH.

MANY English Churchmen seem to believe that none but members of the Church Association have either promoted or approved the prosecution of clergymen alleged to have broken the law of the Church. There could not, however, be a greater mistake, for not only have Ritualists advocated such prosecutions but they have themselves actually resorted to them!

(1) In 1858—a twelvemonth before the formation of the English Church Union—the Ritualists expressed readiness to submit their doctrines to the decision of the Ecclesiastical Courts. The Hon. and Rev. R. Liddell, incumbent of St. Paul's, Knightsbridge (and a member of the Council of the E.C.U. from its commencement), in his "Letter to the Lord Bishop of London, on Confession and Absolution" wrote:—

"I am ready to defend my principles and my practice in the Courts of Law, and to abide by the consequences, be they what they may" (page 12).

(2) The newly-formed E.C.U. was anxious to prosecute *Evangelical* clergymen. At their first Annual Meeting, in 1860, the Committee reported :—

"The attention of the Society has been directed to the great scandal which has been given by certain clergymen of the Church of England consorting with Dissenting preachers in the use of the theatres for public worship, in London and elsewhere. An opinion upon the legality of such proceedings has been obtained from Dr. Phillimore by the Society, and published in the newspapers; but the difficulty of 'promoting the office of Judge' in the Ecclesiastical Courts against offenders is very great, and, indeed, it cannot be promoted at all, except at the instance of the incumbent of the parish in which the theatre is situated. It does not, therefore, appear to your Committee that there is any hope of putting down this profane and degrading practice by an appeal to the law" (*First Annual Report of the E.C.U.*, pp. 23-24).

(3) The *Church Review* in its issue for June, 1861, thus refers to the prosecution of the authors of the "Essays and Reviews" :—

"Very general dissatisfaction appears to prevail among Church people that the bishops have apparently not yet united in taking any decisive step *towards bringing to justice those clergymen* who, as authors of the volume of 'Essays and Reviews,' have so evidently falsified the solemn professions of faith which they severally made when admitted to the Holy Orders of the Church" (p. 103).

A feeling of intense "dissatisfaction" still prevails among "Church people," who think it is high time that the bishops were "united" in the work of "bringing to justice those clergymen" who, by adopting Romish ritual and doctrine, "have so evidently falsified the solemn professions of faith which they severally made when admitted to the Holy Orders" of the Church of England.

(4) The Annual Report of the Council of the E.C.U. (1861), referred thus to the suit, *Bp. of Salisbury* v. *Williams* :—

"A suit, after the most mature deliberation, has been commenced by the Bishop of Salisbury. *The Council commend him and his sacred cause to the prayers and good offices of the Union*, though experience of the Ecclesiastical Courts, as now constituted, in these our unhappy intestine wars, proves that the issue must be doubtful" (*Church Review*, July, 1861, p. 140).

In its September issue, of the same year, the *Church Review* very properly asked, with reference to this suit :—

"How can a bishop be ready, as he is under so solemn a vow to be, to 'banish and drive away all erroneous and strange doctrine, contrary to God's Word,' if, when one of his clergy writes and publishes an infidel work, he will not use *the means which the law provides for making an example of him* to his diocese and to the Church?" (p. 166).

Again :—

"Foremost in importance, perhaps, in the events of the day, is *the very proper prosecution* by the Bishop of Salisbury of one of his clergy, the Rev. Dr. Williams" (January 4th, 1862, p. 1).

(5) The *Church Review*, since its commencement in 1861, had been the property of the E.C.U.* so that much importance attaches to the article on "Prosecutions for Heresy," replying to the unfavourable comments of the Press :—

"Now, to all this ribald nonsense we simply reply that a tainted sheep is removed from the flock, not for his punishment—save as that punishment may be the means of recovery to health—but that the rest of the flock may not be infected. *To silence the teacher of heresy is the plain duty of the Church's governors.* Whether that silence shall be only for a definite time, or for life, or until the offender has purged himself of his wrong doing, ought to depend upon the particulars of each offence. But the object of the *temporary punishment* of an heretical priest must be always considered to be, first the protection of the flock intrusted to his charge from his pernicious influence; and, next, his own correction, with a view to a recantation of his error and his submission to her judgment who has authority in controversies of faith. If anyone is so unmindful of his Ordination vows as to write against the faith to which they have solemnly committed him *he can only be dealt with by the action of the law. It is the only means by which he can be set right.* And right he must be set, or he will make others go wrong. How can the man who is himself in doubt teach others the truth? And if he have disqualified himself from discharging the prophet's office, why should he take the prophet's pay? . . . The Church's revenues are for the teaching of the Church's faith. Let those who do not hold that faith be restrained from the sacrilege of appropriating funds which have been provided to teach and maintain it" (*Church Review*, January 31st, 1863, page 113).

* The Report of the Council presented at the monthly meeting of the Union, May 12th, 1863, states :—"The Council would, in the first place, call to mind the following resolutions, which were unanimously adopted by the Union on November 7th, 1860 :—

1.—"That a monthly journal, to be called the *Journal of the English Church Union*, shall be printed and published by Aird, 18, Exeter Street, Strand, the first number to be issued in January, 1861."

2.—"That the Council of the English Church Union, *to whom the whole charge and responsibility of conducting the Journal shall be and is hereby committed*, be requested to carry into effect the above resolution."

"That the Members of the English Church Union shall be and are hereby content to receive all notices and reports relating to the business of the Union through the columns of the said Journal. In pursuance of the resolutions, the Council did cause to be printed and published a Journal, which a subsequent meeting of the Union decided should be called the *Church Review*, and have continued to take the whole charge and responsibility of conducting the same." (*Church Review*, May 16th, 1863, p. 483.)

At the same meeting it was resolved that the "English Church Union shall cease to be the proprietors of the said *Church Review*," but that it should "be continued the organ of communication and otherwise of the English Church Union, subject to such terms and arrangements as the President and Council may think proper." (*Ibid.*)

Could the Church Association advocate more strongly "the action of the law"? It is declared by the E.C.U., speaking through its own accredited organ, to be the "only" available means for silencing an heretical clergyman.

(6) The following official resolution was passed at their Meeting, April 7th, 1862:—

"That, whilst *facilitating the bringing to trial of priests for heresy and breaches of Church discipline* and morality, there should be a mode of procedure laid down for dealing with *Archbishops and Bishops*, if they should offend against the law" (*Church Review*, April 12th, 1862, p. 229).

Two months later we find the Ritualists rejoicing because the Rev. Mr. Heath had been sentenced by the Judicial Committee of the Privy Council to *deprivation*. The organ of the E.C.U. (June 14th, 1862), thus commented on the case:—

"That highest Court of Appeal having without hesitation affirmed the decision of the Court below, that it is not lawful, and cannot be tolerated, for one, with Ordination vows upon him, which have solemnly bound him to a true profession and promulgation of the Catholic faith, to hold and publish opinions of his own, contrary and repugnant to the Articles of Religion and the Creeds of the Church. The form of this denial of Catholic verities was just that which is taken by the popular 'Evangelicalism,' as it is so called of the day. . . . This, then, is substantially the judgment of the Privy Council in the case in question. And one who has been proved guilty of such an anomaly and scandal, and refuses to revoke his errors of the day, is *justly sentenced to deprivation*. Let us hope it will act as a salutary warning" (p. 362).

Whilst I utterly deny that Mr. Heath's opinions were identical with those held by Evangelicals, it is clear that the E.C.U. would have been willing to see Evangelical Churchmen "sentenced to deprivation."

(7) The same paper demanded that Bp. Waldegrave should be prosecuted as a heretic, because he held views on Baptism opposed to those of Ritualists.

"We call upon all our fellow-Churchmen," said the *Church Review*, of May 17th, 1862, "who take an interest in the maintenance of the Catholic

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It is worthy of notice, as showing the close connection between the English Church Union and the *Church Review*, that its Editor, from its commencement down to May, 1864, was also Secretary of the English Church Union. This is acknowledged in a "Statement of the President and Council," read at the monthly meeting of the Union, May 9th, 1864, in which occurs the following passage:—"The Council have heard that a change will shortly take place in the Editorship of the *Church Review*; and, as the offices of Editor of the *Review* and Secretary of the Union have *hitherto* been held by the same gentleman, his resignation as Secretary has in consequence taken place." (*Church Review*, May 14th, 1864, p. 477.)

faith, to unite in this our remonstrance, and to join with us in the demand that the heretical bishops (*i.e.* Waldegrave and Colenso) shall be called to account; and, unless they formally retract the wicked errors promulgated by them, *put upon their trial*" (p. 301).

(8) The Great Exhibition, held in 1862, brought to our shores a large number of foreign Protestant pastors. Several were invited by Evangelical clergymen to officiate in their churches. In its Annual Report, June, 1862, the E.C.U. said:—

"The Council have drawn the Bishop of London's attention to the subject, with the view of inducing him to exert his authority, as his lordship's lamented predecessor, Bp. Blomfield, did in 1851; *and have also submitted a case for the opinion of eminent counsel, in order to determine upon the best mode of enforcing the law*" (*Church Review*, June 21st, 1862, p. 388).

The *Church Review*, July 26th, 1862, said:—

"It is not the fault of the English Church Union that the Unordained Foreign 'Protestant Pastors' are allowed to persist in setting both the law of the Church and the law of the land at defiance, by officiating in chapels of the Church of England in this metropolis. True to the obligations of an Association established for the purpose of defending and maintaining unimpaired the discipline as well as the doctrine of the Church of England, *her Council have earnestly endeavoured to enforce the law* which requires that no one shall presume to officiate ministerially in any of the places of worship of the Church who is not in her Holy Orders and thereby duly qualified for the sacred charge. But as they with whom, after all, the duty rests of giving practical effect to the requirements of the law refuse to act in the case, the Council are unable, without embarking in an expensive and probably protracted course of litigation, to do more than they have done in pursuance of that object" (p. 459).

It will be observed that in "endeavouring to enforce the law," the E.C.U. is described as "true to the obligations" with which it commenced its career.

(9) Dr. Pusey formed one of "*three* aggrieved" ones who, in 1863, prosecuted, for heresy, Professor Jowett, now Master of Balliol College, Oxford, but with the result that the case against Professor Jowett was dismissed by the Oxford Chancellor's Court. Dr. Pusey found it necessary, before the case was heard, to write to the *Times*, of February 19th, 1863:—

"It is impossible, then, to look upon Professor Jowett's teaching otherwise than as a part of a larger whole—a systematic attempt to revolutionize the Church of England. The publication of the 'Essays and Reviews' was a challenge to admit that teaching, as one of the recognized phases of faith, in the English Church. All which was said of the 'courage' of the Essayists implied this. *To leave the challenge unnoticed would have been to acquiesce in the claim.* . . . Now, if the question was to be tried at all, it could be tried only in the Chancellor's Court, since resident members of

the University, who are not by virtue of any office subject to any other jurisdiction, are prohibited by its statutes from suing, or following any suit, in any other Court except in the course of appeal. PROSECUTION IS NOT PERSECUTION. *It would be an evil day for England when it should be recognized that to appeal to the majesty of justice is to contravene truth and justice*" (Reprinted in *Church Review* of February 21st, 1863, p. 173).

The *Church Review* thus commented on this letter :—

"None better than Dr. Pusey know the difference between prosecution and persecution. *There is something noble in the learned Professor's vindication of the majesty of law.* Evil day, indeed, will it be for England when it shall be deemed an act of cruelty to afford a man accused of wrong the opportunity of purging himself from that accusation by the solemn process of a legal inquiry. *Dark will be the gloom which obscures the horizon of England's Church when there shall not be to be found among her sons any who will have the moral courage to bring before the Courts to which they may be amenable those who are engaged in poisoning the streams of religious knowledge at their very fountain head*" (*Ibid.*, p. 183).

(10) In 1864, the *Church Review* declared :—

"What we want is a system by which the preacher of heresy within the pale of the Church may, not so much be punished—that we care little for —but be *silenced*. We want special enactments by which they may be obliged to retract their false teaching. That will be far better than any punishment" (*Church Review*, March 12th, 1864, p. 255).

(11) In his address, delivered at the Annual Meeting of the E.C.U., June 13th, 1864, the President (Hon. Colin Lindsay), declared that the Union was "especially" bound to defend and maintain the Canon Law of the Church of England with regard to discipline, as received in "her Courts of Judicature."

"With respect to Discipline the same argument applies. That which has been laid down in the Canon Law, and has been received and acted upon in the Church, *especially in her Courts of Judicature*, we are, I think, *clearly bound to 'defend and maintain unimpaired'*" (*Church Review*, June 18th, p. 603).

The E.C.U. might still maintain and defend the decisions of the Ecclesiastical Courts of Judicature, had they been in favour of the Ritualists.

(12) On December 19th, 1864, the Council of the E.C.U. issued a Report on the "Court of Final Appeal in Ecclesiastical Cases," which affirmed "the duty of the Sovereign to see justice duly and impartially administered, even in cases of Heresy."

"Churchmen do recognize the Royal Supremacy over all causes, spiritual and ecclesiastical, which involve *temporal* penalties—such as the depriving a bishop or priest of his see or benefice; or the loss of ecclesiastical emolument by an unbeneficed ecclesiastic. The lands belonging to any bishopric, or the freehold attached to any benefice, or the stipends

accruing to other clergy, are under the jurisdiction of Temporal Courts, and consequently the Sovereign has a right to see justice done in all cases where deprivation or any such sentence involves the loss of them" (*The E.C.U. Circular*, January, 1865, p. 16).

(13) At a Meeting of the Worcester branch, held November 12th, 1866, "the President of the Union, the Hon. Colin Lindsay, explained the aim and objects of the Union."

"The desire of the Union is to defend the Ritual Law of the Church of England. Many things, we find on investigation, have been left off which the Church of England required to be retained, and it is difficult, on some points, to ascertain what the law of the Church exactly is. *The only method of ascertaining it must be found in the Courts of Law.* Hence arises the necessity for legal investigation. . . . . When, then, the law has been clearly defined, we must be ready to be guided by it; we must neither fall short of it on the one hand, nor go beyond it on the other" (*The E.C.U. Circular*, December, 1866, p. 256).

(14) One month later, the President delivered another speech at a meeting of the Union, in London, declaring that—

"The English Church Union only defended what the law of the Church of England ordered or permitted. Of course, there were some points in which the law was not very clear, *but whatever the Courts of Law should decide, the Union would of course be bound by*" (*E.C.U. Circular*, January, 1867, p. 11).

The following extract from a speech of the Rev. Mr. Pixell (Member of the E.C.U.), made at the Penrith branch (December 20th, 1866), as read by the light of subsequent history, is comic:—

"The Rev. Mr. Pixell said it had been represented to him, by a gentleman of position in this diocese, that it had been stated that this Society was designed to oppose the bishops. It would be another case altogether if the bishop were a member of the Society. Suppose the bishop found a clergyman in his diocese, either preaching doctrines contrary to those of the Church, *or introducing Ritualistic practices; if he found a clergyman preaching the doctrine of Transubstantiation*, for instance, he appeals to the Church Union, *and they not only assist him, but take the expense off his shoulders*" (*E.C.U. Circular, Ibid.*, p. 21).

The idea of the E.C.U. paying a bishop's expenses in putting down "Ritualistic practices," is, indeed, calculated to raise a smile.

(15) The Vicar of Atherstone having introduced a "super-altar," &c., into the parish church, a Vestry meeting requested the Parish churchwarden, Mr. Cordingley, to remove the articles introduced without any faculty. The churchwarden thereupon, believing that he was justified in doing so, removed them.

The following is an extract from the Annual Report of the Union for 1868-9:—

"On the application of the Vicar [of Atherstone], who expressed his

opinion that 'the knowledge of his personal inability to undertake an expensive ecclesiastical suit, had induced his opponents to imagine that they could resort to acts of violence with perfect impunity, as indeed must be the fact, unless some extraneous help can be procured,' *the English Church Union undertook to initiate proceedings* for the defence of his rights" (*See E.C.U. Circular*, 1869, p. 277).

(16) In the beginning of 1869 the Archbishop of York decided to prosecute Mr. Voysey, on which the President of the E.C.U. wrote to the Church Association suggesting that each Society should pay £500 towards the expenses of the prosecution.

The Church Association, however, declined to do so in company with the E.C.U.

The Hon. C. L. Wood then wrote :—

"*May 6th*, 1869.

"My Lord Archbishop,—The Council of the English Church Union authorize me to offer your Grace the sum of £500 towards the expenses of the *prosecution* which your Grace is instituting against the Rev. Mr. Voysey," &c. &c.

Evangelical Churchmen will see that others beside the Church Association have advocated prosecution of offenders against the Church's law, and they will judge what kind of "toleration" would be extended to them should Ritualists ever gain control. They will estimate at its true value the honesty and consistency of the outcry which has been raised against the imprisonment of Mr. Green and other misdemeanants. The Church Association has prosecuted law breakers, and the teachers of doctrine contrary to God's Word written. But, as Dr. Pusey well said,

"Prosecution is not Persecution."

[The italics in the quotations are the Author's.]

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10th Thousand.]

JUDGMENT

OF HIS GRACE THE LORD

ARCHBISHOP OF CANTERBURY

IN

READ v. THE BISHOP OF LINCOLN,

Delivered at Lambeth, May 11th, 1889,

ON THE

Jurisdiction of English Metropolitans

OVER THEIR

Suffragan Bishops.

WITH NOTES

BY THE EDITOR OF THE "*Church Intelligencer.*"

LONDON:

J. F. SHAW & Co., 48, Paternoster Row.

J. KENSIT, 18, Paternoster Row.

JUDGMENT

OF HIS GRACE THE LORD

Archbishop of Canterbury

IN

READ *v.* THE BISHOP OF LINCOLN

(re Jurisdiction).

(*Before* His Grace *the* Abp. *of* Canterbury, *with the* Vicar-General (Sir James Parker Deane, q.c.), *and the* Bishops of London, Winchester, Oxford, Rochester, *and* Salisbury *as Assessors.*)

T a sitting of the Court, May 11th, the Archbishop of Canterbury said:—Before I proceed to deliver judgment on the protest, I desire to express my very great obligations to the learned and right reverend prelates who are with me for their goodness in hearing the arguments along with me, and giving me the benefit of their advice on various points. It will be remembered that the appointment of their Lordships as assessors was for the hearing of the case on its merits. The appearance under protest gave rise to a question totally distinct (except on one reserved point) from those affecting the merits, and their Lordships could not be called upon to discharge the office of assessorship, properly speaking, in considering the validity of jurisdiction which potentially affects themselves and their acts. It will therefore be understood that the judgment which I shall presently deliver on that part of the protest which

concerns the jurisdiction only is not to be looked upon as other than my own judgment. The Archbishop then proceeded to deliver Judgment as follows :

THE JUDGMENT.

The Court has now to give its decision on the protest raised on behalf of the Lord Bishop of Lincoln against the jurisdiction of the Court in this matter. First, it will be necessary to consider the case stated in the protest; Secondly, the authorities and the arguments against and in support of the archiepiscopal jurisdiction; Thirdly, to state the conclusion arrived at, and declare the course to be taken upon the decision.

I. The Protest.

The protest says :—

1. That "the citation issued does not cite the Lord Bishop of Lincoln to appear in any Court or in any proceedings whereof the laws, canons, and constitutions ecclesiastical of this Church and realm and of the Province of Canterbury take cognizance." 2. "That by the said laws, canons, and constitutions, the Lord Bishop of Lincoln is not bound and ought not to appear before or be tried by the Archbishop sitting alone, or to appear before or to be tried by the Vicar-General of the Archbishop; and that the fact that the Archbishop proposes to sit with assessors does not confer a jurisdiction which he would not otherwise have." 3. "That by the said laws, canons, and constitutions, the Lord Bishop of Lincoln as a Bishop of the Province of Canterbury ought not to be tried for the offences (if any) with which he is charged in these proceedings save by the Archbishop of Canterbury together with the other Bishops of the province, his comprovincials, assembled either in the Convocation of the said province or otherwise." 4. "That the charges set forth in the citation are not such charges as by the said laws, canons, and constitutions, the said Lord Bishop of Lincoln is bound, or ought to be tried for before or by any Court of ecclesiastical jurisdiction."

The consideration of this fourth point was deferred, without prejudice to his lordship's position, until the case (in the event of the protest being overruled) should come to be heard on its merits.

By the first three articles of the protest, two questions are raised. (1) Has the Archbishop, either sitting alone or with assessors in the Archiepiscopal Court of his Province. urisdiction? 2. Has

the Archbishop jurisdiction only when sitting together with the other Bishops of the Province assembled in Convocation "or otherwise"? The word "otherwise" is not explained. But the second question (2) would not require consideration if the first (1) were decided in the affirmative. If it were proved that the Archbishop has jurisdiction when sitting in Convocation, this would not in itself prove that he has jurisdiction only when so sitting. It is obvious that such jurisdiction might exist concurrently with a jurisdiction exercised by the Archbishop alone, or with assessors.

II. The Arguments.

The arguments in support of the protest and the authorities cited have extended over a wide range. The records of early synods and councils have been much relied upon. As documents ancient and solemnly accepted, these records deserve all the scholarship and attention with which they have been handled by the learned counsel. Not for this immediate purpose only, but for ourselves always and our beliefs, they have the highest value and weight. It is desirable, therefore, to ascertain, if possible, exactly what kind and amount of support the contention receives from their authority. General impressions are easily created even by raising a contention on such grounds, and then "conscientious" difficulties gather round those impressions. It is therefore quite worth while to examine in some detail the canons cited, but only for the purpose for which they are cited. The argument which was advanced is very clear and connected. The first canon of the Council of Chalcedon received the canons of "all the holy synods" held before it. The English Church receives the Council of Chalcedon as one of the four general councils. All the canons, therefore, of this and of the earlier synods referred to have become and, if the law has not been altered, are still part of the law of the realm. It is agreed, at the same time, that if the directions contained in ancient canons are ever so clear and definite, they still cannot determine any question of canonical or other law in England unless they have been received and put in use. There is, however, no doubt that in matters of faith and doctrine the decrees of the first four general councils have been so received, as

Canons of Councils.

Chalcedon.

declared in the statute law (25 Hen. VIII., c.19, s. 7; 1 Eliz., c. 1, s. 36). Canons also therein made, when strictly applicable, and when not "contrariant to the law of the Church and realm," have authority.

We proceed then to consider how far this authority extends in the present case. Printed extracts in support of the view that the canons determine the method of procedure in trial of Bishops were put in by the learned counsel for the Bishop of Lincoln. Among these are two of the canons called Apostolic, and other canons of the Councils of Constantinople, Antioch, and Chalcedon. We will take them in order, and consider both their contents and their reception. The canons called Apostolic probably belong, in the opinion of the most learned critics, for the most part to a period in which the Crown or Government had entered into no relations with the Church. For this reason, as well as on account of other social changes, many of the most important of these canons nowhere now survive in use, and could nowhere be acted upon in the Catholic Church as it is. Of Canon 27 (otherwise 33 or 35), the part which has seemed to touch this question is (as printed by the learned counsel) —"The Bishops of every province ought to own him who is chief among them, and esteem him as their head, and to do nothing extraordinary (περιττόν) without his consent; but every one those things only which concern his own parish (παροικία) and the country subject to it. Nor let him [that is chief Bishop] do anything [extraordinary] without the consent of all.—[Johnson II., 19.]" But (not to discuss the exactness of this translation) if anywhere the chief Bishop has a Court and jurisdiction, that which he does regularly within this, in the exercise of that jurisdiction, is not "extraordinary." The canon assumes that he has some authority more than diocesan; and to allege the canon generally against a jurisdiction not otherwise proved to be outside this, is to beg the question. Again, Canon 66 (otherwise 73 or 74) directs that the Bishops shall summon before themselves any credibly accused Bishop, and try to secure his appearing, and shall sentence him. But even if this canon were held now to empower Bishops to cite one of their own number before them, it still could have no force to override a jurisdiction otherwise shown to reside in their Metropolitan. Next, as to the reception of these canons in our Church.

"Apostolic."

It was argued that the Apostolic canons were held to be included among those adopted by the first canon of the General Council of Chalcedon, and therefore received by the Church of England, and so part of our own law. It is, however, matter of history (I refer to Hefele, "Hist. of Councils," App. vol. I.) that the Apostolic canons were adopted by the Synod in Trullo, A.D. 692, under the Patriarch John Scholasticus, into the code of the Greek Church. That would not have been necessary if they had been held to have been already adopted by the Council of Chalcedon in A.D. 451. After the Council in Trullo they remained binding on the Greek Church only, until, after having been added to the list of apocryphal books condemned by Papal authority in the sixth century (inserted probably by Hormisdas in the Gelasian Decree, ("Labbe," T. v. c. 390), they regained credit, and the first fifty of them were in the eleventh century added to the orthodox rules (*regulis orthodoxis*) of the Roman Church. ("Hefele," App. vol. I.) It is therefore difficult to see how these two canons, unless they have had some definite reception here, which is not shown, are not still formally part of "that foreign canon law" as to which Sir W. Phillimore rightly, "as an English lawyer, denied that it could be put into effect." They do not, as we have seen, apply to this case even as to their contents. And if they did, still (precious as they are as illustrations of early Christian practice) they are not part of the discipline of the English Church. We come next to the sixth canon of Constantinople.

6th of Constantinople.

The reception of this canon is even more questionable. Critics agree that it was not passed at all in the Second General Council—the great Council of Constantinople of the year 381—but at the synod which was held there a year later. Four canons only were passed at the council. ("Hefele," B. vii., sec. 98, "Beveridge," "Ballerini," &c., ap. Hef.) The so-called fifth and sixth were not read apparently at Chalcedon. They are not alluded to by the Greek historians of the council, and were not included in any of the four early Latin versions of its canons; and as late as the year 865 Pope Nicolas the Great writes of this sixth canon to the Emperor Michael at Constantinople, as being "not found among us (in the West), though asserted to be kept among you (in the East)." ("Hefele," l. c. and sub can. 6; "Jaffé Regesta PP.R.," sub anno.; "Nic. I. Ep. 8 ad Michaelem Imp.

'Proposueram, &c.'"—"Labbe," Venet. 1729, v. 9, c. 1321 E.) It was not passed, then, in the Second General Council; there is no evidence that it was sanctioned in the third; and it was not in the code at Rome, nearly two centuries after it has been argued that it was received at Hatfield, and became binding to this day as the law of the English Church. But what is its purport? It excludes heretics, schismatics, and excommunicate persons from bringing ecclesiastical suits against Bishops. It excludes ecclesiastical suits against Bishops from being instituted in the Temporal Courts; and from being instituted in general councils (or great synods), except on appeal from the provincial synods, which ought to receive and hear such causes. If, then, this canon had been received in England it might probably have been the earliest authority for such jurisdiction in the provincial synod as may possibly exist in it from some source; although that reception could not have excluded concurrent developments which a more organized period was sure to produce in the modes of jurisdiction. But even that probability is extinguished by the evidence that it was not known in the West until long after the Council of Hatfield. We come, thirdly, to the canons adduced from the synod of Antioch, which, although it was in reality only an Oriental synod, without any representation of the Western Church, has acquired large authority, apparently, as Hefele thinks, through the goodness of its enactments. Of the ninth canon we need not speak; its point has been touched under the Apostolic Canon 27 (33 or 35), of which it is an expansion—unless that is an abridgment of this Canons 12 (not '11'), 14, 15, deal with cases of Bishops who have been tried or deposed by synods. They do not order that Bishops should be tried *only* by synods, but they speak of this as the obvious mode of procedure at that time—which of course it was. But the 13th canon was quoted by Sir W. Phillimore as if it did order that mode distinctly. "All is null,' he read from Johnson, 'that is done by bishops coming without invitation' (*i.e.*, intruding foreign bishops), 'and they are to be deposed by a sacred synod." The original will bear no such interpretation. It is "*καθῃρημένον ἐντεῦθεν ἤδη ὑπὸ τῆς ἁγίας συνόδου.*" That describes what nearly answers to the phrase "*ipso facto* excommunicated, and not restored until," &c., in our own canons of 1604; and "the Holy Synod," is that then

Antioch.

sitting (compare in Canon 14, "ἔδοξε τῇ ἁγία συνόδῳ"). So the latest historian of the councils takes it (Hefele). So the early Latin translators: Dionysius Exiguus, "Ex hoc jam damnatus a sancto concilio" ("Labbe," t. ii., c. 601, Ven.), and Isidorus Mercator, "tanquam depositus a sancta synodo et propter hujusmodi præsumptionem jam prædamnatus" ("Labbe," T. ii., c. 609). All men were to regard the intruding bishop as *ipso facto* deposed by his own act. This was the only sense in which the canon could have been accepted or known in the West, and there is no direction at all for the trial of a bishop by a synod. On the contrary, the 11th canon (which was *not* quoted) gives a distinct indication, at least in certain cases, of another mode of trial. It provides for a bishop, if necessity arose, transferring his cause directly to the judgment of the Crown (the Emperor)—not limiting the kind of cause to civil causes—by permission, and with commendatory letters from his Metropolitan, or comprovincials. Lastly, we come to the General Council of Chalcedon, A.D. 451.

Chalcedon.

I do not understand how the ninth canon can be alleged in support of the contention raised.* It is a purely clerical canon, concerned only with disputes and complaints arising among clergy. It places the *civil affairs of the clergy*, as well as ecclesiastical matters, under the control of the bishops. The highest judicial authority therein named for the greatest causes is the Exarch of the "diocese," as Superior Metropolitan, or the "Throne" (Patriarch) of Constantinople. ("Hefele," B. xi., § 200, pp. 107-8, Goschler.) It seems needless to say that such a canon has never been received here. But, indeed, all the canons of Chalcedon, including the first, were applicable only to the Greek churches. The Western representatives had departed from the council as soon as questions of faith were over, and long before the canons of discipline were passed. These last were all proposed and passed together in the 15th session, and it is held that only the first six sessions, those which dealt with matters of faith, had an Œcumenical character. To sum up the result of this closer examination of the ancient canons alleged in support of the protest, it amounts

Summary of Ancient Canons.

* Archdeacon Sinclair, in his Charge of 1852, p. 210, cites De Marca as saying, "Concilia provincialia celebrari desierant tempore concilii Chalcedonensis. Idem de sua ætate testantur Justinianus Zonaras, Balsamo, et Matthæus Blastares."—[Ed. *C. I.*]

to this: The trial of bishops by synods is not enacted in them, though this is implied in the English version which was cited of one of the canons of Antioch. Such trial is treated as a usual and obvious function of synods. But deposition in other form, and trial in other form, and before the Metropolitan or the Patriarch, is already recognized. The conclusion which the court must draw is that it cannot satisfy itself from the evidence alleged that the authority of early Church councils establishes that the trial of a bishop ought to rest with a synod of bishops only. It is not necessary to repeat what has been observed as to the absence or slightness of the evidence for the reception in the Western Church of the particular canons alleged. The learned counsel argued that all were covered by the first canon of Chalcedon, and although that might be true for the Greek church, yet the *disciplinary* canons of that council have never been conceived to have Œcumenical authority. I have thought it important to enter minutely into this part of the argument because, when it has been elaborately maintained that the primitive councils alleged command a mode of trial inconsistent with that in use and now proceeding, even if the jurisdiction of the Court be established, a certain prejudice is evoked, which, under present circumstances, it is right to dispel. The Court itself, owing to the character of the protest, has been placed on its defence, as it were, in a singular manner, which would not have been the case had these pleadings been advanced elsewhere. It will be understood that nothing here said impugns the authority of the first four General Councils—"the first perfection,' as Hooker calls them, 'of so gracious a thing." But their work was twofold, and it is necessary to observe the distinction between the two parts. Their symbols or creeds, their articles of faith, and definitions of doctrine are our rule, as a faithful expression of the sense of Holy Scripture on the great verities. Thus, in the case referred to by Sir Walter Phillimore of "Kemp *v.* Wickes and others," the authority assigned to the four councils seems limited to matters of faith and doctrine. But the canons of order and discipline passed in those same councils, and at less important synods as to matters of ecclesiastical procedure and legal practice are on another footing. The creeds and sacred definitions deal with things eternal. The canons and the discipline deal with

Distinction between doctrine and discipline.

things of spiritual concernment, but in temporal regions and for temporary uses. The canons themselves take into account the conditions of their own times and countries. So must the ecclesiastical procedure of every age and nation. The procedure and practice of Courts must of necessity vary with the constitution of a country, and the institutions, organizations, and usages of communities, both ecclesiastical and civil. These have been in perpetual movement and life, and those canons as they stand do not now answer to the actual practice of any Christian Church. That is no disparagement of their excellence. They do not claim to bind a scheme of judicature on the Church at large or the Church of ages. They will not bear the strain which this contention puts on them. But whatever system of procedure appears in those canons, it has been argued that the canons form part of the law of the land, inasmuch as they have been accepted in terms by synods of the English Church. Reference was made to the Council of Hatfield, the Synods of the Northern and Southern Provinces in 787, and to the Canons of Ælfric ("Haddan and Stubbs," iii., pp. 141, 448, 450).

Hatfield.

1. The Council of Hatfield, A.D. 680. The conclusions of the Council of Hatfield (whatever be its authority) had reference, so far as we can ascertain, to nothing but matters of faith and doctrine, unless there was some rearrangement of English dioceses. It was called by the Archbishop "in order' (as Dr. Bright accurately says, "Early Eng. Ch. Hist.," p. 317) 'to certify the Pope as to the orthodoxy of the Church under his rule." Along with other dogmatic declarations it "enforced,' he says, 'the theology of the five Œcumenical Councils which had then been holden." Its members describe themselves as "We who, with Theodore, have expounded the Catholic faith" ("Haddan and Stubbs," vol. iii., p. 141 ff.). Phrases describing as the one object of their assembly the affirmation of "the right and orthodox faith," "the divinely inspired doctrine," abound in their synodal letter and in Bede's narrative. It is said that Agatho had proposed that it should also examine "de ecclesiasticis statutis" p. 133, but there is not one word as to the reception of any disciplinary canons, or discipline at all; and this is the more remarkable if there were any theories as to the trial of Bishops, because a commissary from the Pope attended the council, and at this very

moment one of themselves, the great Wilfrid, was at Rome complaining that he had been improperly deprived.

Finchale and Chelsea.

The learned counsel next cited the Synods of the North and South, or, as we might call them, the Double Synod of Finchale and Chelsea, held in 787 A.D. under the Papal legates ("Haddan and Stubbs," vol. iii., p. 447). These deal with church order very closely—regulating monasteries, judicial proceedings, marriage, churches, services, &c. They order that any Bishop in any way concerned in the death of a King shall be deposed and degraded. But they do not touch the *process*. They receive the "synodal edicts of the six universal councils (the sixth having now been held), *together with the decrees of the Roman pontiffs*." We have already examined the original bearing upon the present question of the canons of the Four Councils which we receive; and the two synods neither add new force to them, nor interpret them as interfering with that spiritual jurisdiction already exercised in England. It has been already observed that some of those canons were at this date not received in the West.

So-called "Canons" of Ælfric.

The other quoted example of synods of the English Church "having so accepted in terms' those canons, that they now 'form part of the law of the land," was the canons of Ælfric, A.D. 970 (Wilkins' *Conc.*, vol. i., p. 250. Johnson's "English Canons," part i., p. 382). I suppose the contention was serious. But in fact the Canons of Ælfric represent no synod or legislative authority. They are a Bishop's charge. A charge written for the use of the Bishop of Dorchester, by Ælfric, his "humilis frater." And there is no more to say about them.

Alleged "trials" of Bishops.

There is, therefore, no evidence that the early English synods either formally received or enjoined any special form of procedure in the trial of Bishops. If we examine the early English illustrative instances they bear not only the same negative witness as the documents, but witness which contradicts the contention. The first alleged was that of Winfred of Lichfield. The "Anglo-Saxon Chronicle" was quoted to prove that he was deprived by a synod, contrary to the nearly contemporary statement of Bede (Bede was twenty years old when Theodore died), that he "was

Winfred.

deprived by the Archbishop Theodore" ("Bede, H. E.," l. iv. c. 6). If the passage had been genuine the chronicle itself belongs to two centuries after the event. But the passage is no part of the original Chronicle. The translation may take no notice of the fact, but the critical edition of the original shows the passage to be a late interpolation—mixed with a spurious charter and probably of the twelfth century (Rolls' edition, vol. i., p. 53; vol. ii., p. 29).

Wilfrid. In the second instance, that of Wilfrid of York, we have, against all conjectures about synodical action, Wilfrid's own written petition to the Pope, given in his own words by his friend and biographer. Wilfrid says that he had been deprived (*privatum*) by Theodore (of whom he speaks with great veneration) "*absque consensu cujuslibet episcopi.*" It was urged that Wilfrid was "given his place in a synod assembled in Rome," and that, "before he had been ultimately restored he was (thus) recognized by the Pope as a lawful Bishop," that is, that Theodore's deprivation of him was not recognized. But the facts are these. Besides the synod in which his appeal was heard, there were two synods at Rome while Wilfrid was there ("Haddan and Stubbs," iii., pp. 131, 136); the one in which Wilfrid sate as a Bishop was *after* his restoration; in the synod which was held while he was still under the archiepiscopal sentence he was not present, although its special business was the state of the Church of England, without reference to his own difficulties. Yet more, the Bishop of Toul, *who was Wilfrid's travelling companion* to Rome, did sit in that synod. So far, therefore, the action of the Pope involves a recognition of Theodore's jurisdiction. Lastly, in the sentence of restoration not a doubt is thrown on Theodore's jurisdiction. Wilfrid had asked for a decision as to whether he was "*privatus*" (p. 138). The sentence was, "Episcopatum, quem nuper habuit, recipiat." But the partitioning of Wilfrid's diocese into three, which Theodore had carried in council with the King, was affirmed, though the persons appointed to them were to be changed. As the climax of the conduct for which Wilfrid was deprived was his threatening to appeal to Rome, he receives from the Pope much commendation for his dutifulness, but he is replaced only in the diminished see.

Wulfstan. The legendary story of Wulfstan, who was not deprived, and was not tried in any way which could

be called synodical, seems to have no bearing on the question except as showing by what authority Anglo-Saxon and Norman bishops believed that they held their sees (Freeman's "Norman Conquest," vol. iv., p. 379). The court has considered also the other instances up to the end of the 12th century, but they only show what is unquestioned, and continues to appear, that there was more than one way in which episcopal causes were heard.

Becket.

With respect to the complaint against Becket for suspending the Bishop of Salisbury, it should be observed that it is not rested upon the use or abuse of legatine power, since the complaint is of his acting "*absque* (*episcoporum*) *consilio*," or, as they state it themselves, "*priusquam causa comprovincialium aut aliquorum etiam fuisset arbitrio comprobata.*" It is exactly the same ground as Wilfrid alleged against Theodore, and it has not even been argued that the objection was entertained ("Materials for Hist. of Becket," vol. v., pp. 406, 421, put in by Sir W. Phillimore).

Summary as to Synods.

After reviewing the earliest evidence, the canons, their reception elsewhere, their reception in England, the instances of jurisdiction, the court fails to satisfy itself that up to that date there was an exclusive jurisdiction over these cases in a synod of bishops. Before we leave this division of the subject, the three passages should be noticed which were cited to prove that the Antient Canons have Parliamentary authority as law in England. The first (25 Hen. VIII., c. 19, s. 7) simply continues the authority, whatever it was, which the canons *already* possessed. The second (1 Eliz. c. 1, s. 36) relate to the Four Councils only as ruling what was heresy, when they rested on Scripture. Also it has long disappeared from our Statute-book.* The third was found in an Exhortation in the Ordinal, where there is a reference to "antient Canons," which echo the Scripture precept, "not to be hasty in laying on of hands." It was said that the reference is to the second and eighth Apostolic Canons. I do not see the resemblance; but

"Parliamentary" Authority of Canon Law.

* The *section* was repealed in 1640, and has "disappeared," but not the Act (1 Eliz. c. 1.). As Bp. Fitzgerald observed, the words of that section were merely "negative. They do not require that everything which fulfils these conditions should be reputed heresy: but that nothing which failed to fulfil them should be so reputed."—[Ed. *C. I.*]

the allusion is undoubtedly to the Fourth Council of Carthage, which is actually referred to by name in one of the old Latin Pontificals in the corresponding exhortation ("Martene, *Ant. Ecc. Rit.*," vol. ii., p. 386). It will scarcely be argued that the canon of the Fourth Council of Carthage became English law through that quotation; but if it would not, neither would the others. This is all the Parliamentary authority advanced. But it was argued that English usage shows that at a later time, "The true mode of judging a bishop is not by the archbishop alone, but by Convocation, Council, or Synod, whatever phrase you choose to employ." It had before been put to the court (and no exception is taken to the statement), that Convocation is a provincial synod or council, and as such has certain judicial functions. Therefore we proceed at once to the consideration of the cases which have been cited as distinct incontrovertible examples of trials of bishops by Convocation.

Usage.

Trials in Convocation.

The first case, urged as a forcible proof that the jurisdiction of the Archbishop over Bishops must be exercised in Convocation is that of the Coadjutor of Hereford in 1393. He was summoned to trial by the Archbishop with high assertion (it is said) of his judicial authority, but summoned before Convocation and tried there. It is, however, a case of no importance. The Coadjutor of Hereford was not a Bishop; and he was a member of Convocation. He was cited to appear before the Archbishop at the next Convocation, which he was bound to attend. It is not pretended that the Archbishop might not have corrected him by his visitatorial power and in other ways; and it is not to be imagined that a Court such as the present would be convened to decide a case of negligence in a presbyter who was commissary to his sick Bishop. Many cases found their way, as this did, to Convocation to meet the convenience, or feeling of the Bishop. Gibson ("Synodus Anglic." ch. xiv., p. 169) writes thus:—"If a Bishop in his diocesan Court upon examination did not see cause to deliver over the party accused to the secular power, either the degree or evidence of the crime falling short. . . . the person was frequently brought before Convocation." The reluctance of the Bishops to hand over the person

Coadjutor of Hereford.

to the secular arm, and the odium aroused when they did so, are visible through the whole 14th century. Convocation did no more in the way of inflicting penalties than the Bishop himself could have done if he had chosen. The "Calendar of Authenticated Trials for Heresy prior to the year 1533" ("2d Appendix Ecc. Courts Comm. Report") shows how many cases of this class, in which the process was initiated in Courts of Bishops and of the Archbishop, came thus before Convocation. The Coadjutor's case is one of discipline taking the same course. It has no relation to trials of Bishops.

Bp. Cheney.

The second case is that of Bp. Cheney in 1571. But the case of Bp. Cheney is no trial by synod. It is a mere case of wilful contumacy in and against Convocation. At the opening of every Convocation it is declared that all who are absent without necessary and approved reason will be visited as contumacious with the canonical penalty; "*intendimus. . . . contumacias eorum qui absentes fuerint canonice punire.*" The canonical penalty is the "major excommunication" (Gibson's "Synodus Anglicana," pp. 27, 26): and there is an instance of many members being suspended for such contumacy by Archbishop Whitgift, "*a celebratione divinorum et omnimodo exercitio ecclesiasticæ jurisdictionis*" in 1586 (Gibson's "Appendix," p. 163). Bp. Cheney avoided signing the Thirty-nine Articles for nine years, from 1562 to 1571 (being "popishly affected"*); and wilfully absenting himself from the Convocation which was to sign them (before publication) in the latter year, was excommunicated for contumacy and contempt† according to the forms of Convocation (see Strype's "Parker," vol. i. p. 51 ff. and Appendix). The

Bp. Goodman.

suspension of Bishop Goodman in 1640 is equally destitute of any appearance of a trial by synod. It was an act, and an arbitrary and oppressive act, of the President

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* Campian, the Jesuit, praised Cheney as being "more tolerable than the rest of the heretics, and professing the true presence of Christ *on the altar*." (*Campian's Works*, p. 365.) In 1575 Abp. Grindal threatened Cheney with inhibition for ordaining without letters dimissory (*Grindal's Register*, F. 144.B.) —[Ed. *C. I.*]

† Bp. Geste writing about him to Lord Burleigh in May, 1571, said, "My Lord of Gloster is pronounced excommunicate by my Lord of Canterburie, and shall be *cited* to answer *before him and other bishops* to certain errors which he is accused to hold."—S. P. Dom. Eliz. Vol. 78, No. 37.—[Ed. *C. I*]

and Houses of Convocation. The account is minutely given in the Acts of Convocation for that year. (See "Gibson's App.," pp. 51 ff.) The signing of the draft canons of 1640 having been fixed for May 29th, Bishop Goodman alone of the two Houses refused to sign. Three canonical monitions to him to sign were compressed into the time occupied by the rest in signing. He still refused. The Archbishop then not only pronounced (*decrevit*) that he should be deprived, but ordered his Official Principal to draft the sentence of deprivation. He then took the sense of the House, which, as well as his own voice, was necessary to the validity of the act. In Convocation of course all Bishops are "*assistentes*," and all have votes. The majority, which was all that was required, was seen to be for deprivation; and Goodman signed. The Archbishop then required him to declare whether he signed "voluntarily, *ex animo*, without equivocation, evasion, or mental reservation." Goodman replied that "he had signed," and would say no more. Nevertheless, both Houses pursued the case, and both resolved that now he should be suspended from office and benefice for the "scandal" he had caused. Further, the Lower House petitioned the Archbishop that he should be called upon to take a new oath required by the new canon just signed, which had not yet received the Royal assent, and to answer the question which had been put to him. He was ordered not to leave London (Westminster?) until he had taken the oath, and the Archbishop then suspended him (*cum consensu totius Synodi . . . suspendendum fore decrevit*). This all took place in one day, and in one sitting.

Thus the two instances supposed to establish the trial of Bishops before Convocation are, in fact:—(1) One of them, a mere putting in execution the canonical penalty for the enforcement of attendance; (2) the other, in form simply an Act of Convocation.

But it was argued that the voting of the Bishops in Bishop Cheney's and Bishop Goodman's cases showed that they were judicial proceedings. But this is an error; a majority would be necessary in *any* "Act" of Convocation. The Royal assent to any "Act" requires the "greater number of the Bishops whereof the President to be one." But "in trials before Convocation the members do not vote" (evidence of Canon Stubbs (Bp. of Oxford), in Ecclesiastical Courts Commission Report, Q. 1155). The same great historical authority writes (App. 1. to Report already referred to, p. 45).

"Before the Reformation the Provincial Convocation may be fairly regarded as a court attendant on and assessing to the Archbishop, discussing cases of litigation or correction which were brought before him therein or were laid by him before his clergy. But we are inclined to believe that so far as jurisdiction was concerned, the authority resided in the Metropolitan and not in the Synod."

This passage perhaps may seem to illustrate how the function of Convocation as Assessors to the Archbishop in the exercise of his jurisdiction may be discharged by certain members of the body.

Lower House as "Judges."

Further, in claiming Convocation (regarded as the Provincial Synod) as the proper Court for the trial of a Bishop it was not explained how the necessity for the concurrence of the majority of the Lower House, which is required for the validity of the Acts of Convocation, is consistent with the supposed requirements of antient councils that a Bishop should be tried by comprovincials only. However, it is not necessary at present to go further into the question. It

High Commission.

may also be observed that from the year 1551 to 1562 no authority was likely to be producible bearing either way upon the right of the Archbishop, whether in his own Court, or in Synod, or Convocation, to try a suffragan, for as long as the Court of High Commission lasted, all important offenders in causes touching doctrine or ritual were brought before it, as well as persons, whether laity or clergy, accused of immorality or misconduct, recusancy or nonconformity (Hist. App. (I) p. 50).

Whiston's case.

Lastly, while in the beginning of the 17th century the opinion of the Judges in Whiston's case, given with the reservation that upon argument they might alter their view, is in support of some judicial power in Convocation, it remains uncertain whether they intended ("Brodrick and Fremantle," pp. 325, 326) that it could be exercised against persons or only against doctrines as in books; and it is in no way adverse to a jurisdiction residing elsewhere, as in the Metropolitan.

Jurisdiction resides in Metropolitan.

The Court therefore holds that while Convocation is a Court of which the President *sedet judicialiter* with the Bishops *assistentes*, and while there may be causes, processes, or controversies which would be necessarily and usefully heard and determined there (proper conditions being fulfilled), it has not been established that it is the only proper

Court for the trial of a Bishop, and *no instance of such a trial has been adduced.* It now remains to consider the arguments on the jurisdiction of the Metropolitan. The antient canons themselves, within even the 70 years from Constantinople to Chalcedon, show the tendency towards that centralization which was impossible before the Church emerged from isolation and oppression, and from the first traces of this there appears, all through, a jurisdiction vesting in and exercised by the Metropolitan, sometimes *with*, sometimes only *in* a Synod, and sometimes separately. Thus we observed that as early as A.D. 451 the highest trials between Bishops are to be taken before either the Exarch of the Diœcesis, or the Archbishop of Constantinople. And thus we find still earlier among a small number of Bishops who assembled in a counter-Synod at Ephesus in A.D. 441 some Bishops who "many years before had been deposed for grave causes by their own Metropolitans—*πρὸ πολλῶν ἐτῶν ἐπὶ δειναῖς αἰτίαις καθηρημένοι ἀπὸ τῶν ἰδίων μητροπολιτῶν.*" ("Epist, Synod Conc. Eph. ad Cœlestinum," Labbe, Paris, v. iii., p. 364). In England some of the early Synods which tried Bishops were not Synods of Bishops or clergy *exclusively*, and up to the end of the twelfth century sentences pronounced by the Archbishop alone, in the exercise of this jurisdiction, are sometime appealed or protested against to King or to Pope, but never set aside (if set aside at all) on the ground that he had no such jurisdiction. It is scarcely necessary to enter upon the question of the legatine jurisdiction, since no cases are alleged as examples of its being employed in trials of this kind. But as it has been suggested that the Archbishop might have had powers as 'Legatus natus' which he had not as Metropolitan, I may refer to the opinion of one of the most competent authorities of our own or other times. The acceptance of the legatine commission by the Archbishops

Legatine authority.

"is of less constitutional importance than might at first sight seem probable." . . . . (Its) "effect was not the creation of new legatine Courts, but the clothing the ordinary Courts with some shadow of legatine authority." "England resisted the intrusion of foreign legates, sent from time to time to . . . . supersede the action of the Metropolitans. . . . Not only the Kings, but Archbishops like Anselm, remonstrated against the aggression. According to Anselm, the Archbishops of Canterbury, by the law and custom of

the Church, possessed all the rights and powers that were by the delegation of the Pope's powers bestowed upon the legates—a statement which, interpreted by history, means that they were customarily free and independent of foreign interference in the administration of their province. But the practical decision of the investiture controversy . . . . seems to have impressed the English Bishops with the belief that it was better to seek for themselves the office of legate than to leave the Church open to arbitrary and mischievous interference from without." (Bp. of Oxford, Hist. App. (1) to Report of Commission on Ecclesiastical Courts, 1883, p. 27).

Year Books.

Against the continuous positive evidence of jurisdiction in the Archbishop, the letters and extracts put in "On the Powers of the Archbishop" offer at the best, and merely by implication, negative evidence. The authorities from the Year-books do not seem to establish the point for which they are cited. The petition to Edward III. and the reply refer entirely to criminal offences, and are now contrary to the laws of the realm.

Bp. Pecocke.

The case of Bishop Pecocke, A.D. 1457, requires to be considered by itself. It offers an example of the difficulties sometimes attending even written contemporary notices by competent persons. These notices, with such other documents as exist, and some later accounts have been examined by many scholars. Still it remains uncertain whether Pecocke was deprived, or, after appealing to the Pope, resigned on promise of a pension from the King.* Further, there is a double mode of procedure. After withdrawing from the King's Council at Westminster under pressure (which seems something like the waiving of privilege in Watson's case), Pecocke appeared at Lambeth, where the Archbishop sate with three Bishops described as assessors—Waynflete, Bishop of Winchester; Chedworth, Bishop of Lincoln; and Lowe, Bishop of Rochester; received the books which Pecocke submitted, and delivered them to twenty-four examiners; received their report; condemned six articles which were said to be extracted from the books; caused the condemnation of these to be published at Paul's Cross, and subsequently received Pecocke's formal retractation. All this, which is not a mere reporting on the subject but is judicial, is combined with other

* The evidence seems to shew that Pecocke was (1) deprived by the Archbishop, (2) reinstated by a Bull from the Pope, (3) induced to resign by threats of Royal influence being employed with his Holiness.—[Ed. *C. I.*]

Pecocke is said by Whethamstede, "citari coram Archiepiscopo;" and there "præsente tam Domino Rege quam multis proceribus," proceedings in the King's Council at Westminster, where still the Archbishop gave him his choice between abjuration and death. Whethamstede's observation is that "reformavit (eum) Archi-præsularis auctoritas." This combination leaves the action of the jurisdictions which were employed to secure the suppression of Pecocke ambiguous. It should be further observed that, this trial taking place in A.D. 1457, the Archbishops of Canterbury had held five trials for heresy since the year 1410, sitting with Episcopal assessors. In two cases there were also assessors who were not Bishops ("Calendar of Trials for Heresy," ut sup.). And though in the instruments belonging to the "Process" (Gascoigne) by which Pecocke was tried, the Archbishop has the usual style of "Legatus," there is no token that anything was done by virtue of legatine power. Neither is there any allusion throughout the records to Convocation.

Trials with Assessors.

Mr. Jeune has urged in evidence of the plea of the non-existence of the jurisdiction under consideration that Abp. Parker takes no notice of it in the account which he gives of the privileges and prerogative of the See of Canterbury in his "De Antiquitate Ecclesiæ Britannicæ" (p. 37, ed. Drake), whilst he gives a minute description of the Courts of Arches, Audience, and Prerogative in testamentary, matrimonial, and other causes, as well as of the Peculiar (p. 41) jurisdiction of the See. But here, in fact, lies the explanation. He gives an exact statement of the scope and practice, the officers, and the advocates of courts which were in daily request—"tam late patentis jurisdictionis," as he writes. There was no occasion for him to go into details upon a jurisdiction which, however real and necessary, had not been exercised for more than a century. But he does indicate clearly that there was a wider range of jurisdiction than he actually describes. He not only says that it was the business of the Archbishop "provincialia cuncta negotia arbitrio suo moderari et temperare" (p. 43); he goes much farther, *and too far*. He writes (p. 37), "Archiepiscopi Cantuariensis authoritas non certis atque definitis archiepiscopalis aut metropoliticæ jurisdictionis cancellis concluditur, sed ordinaria, libera, pæneque arbitraria per suam provinciam excurrit et diffunditur." It is impossible to conclude that, when such is his language, Parker excluded suffragan juris-

Silence of Abp. Parker.

diction by mere silence when giving the particulars of his every-day courts, while he was at the same time revising the "Reformatio Legum." It is unreasonable to suppose that jurisdiction in the case of an accused suffragan was excluded from terms so large; inasmuch as otherwise, large as they are, the most important case of all would be unprovided for, since Convocation had never dealt with or been invoked in such a case. But the "Reformatio Legum" shows that where it was necessary to codify, Parker and his colleagues expressed themselves in plain terms. That code begun in 1549 was "carefully framed by Archbishop Cranmer" (Strype's Parker, ii. 62) and the committee which consisted of thirty-two most eminent Bishops, divines, civilians, and common lawyers. After abundant labour spent on it, "the whole code as revised and approved by Archbishop Parker,' who had been a member of the committee from first to last, 'was made public with the Archbishop's consent in (1571) the same year in which the Thirty-nine Articles were signed by Convocation and ratified by Parliament" (Cardwell, pref. to "R.L.," p. xi.). It is hardly necessary to remark that it is cited here simply in evidence, not as constitutional authority. Under title "De Ecclesia," &c., c. 16, after provision for appeals to the Archbishop and for his adjudicating on questions between his comprovincials—"Judex et finitor inter eos esto archiepiscopus"—the article proceeds thus:—"Further he shall hear and judge accusations against the Bishops of his own province." "Ad hæc audiet et judicabit accusationes contra episcopos suæ provinciæ." A more definite direction cannot be conceived, nor a clearer testimony to the settled opinion of Parker at the very time when it is urged that the "De Antiquitate" showed he never thought of such a jurisdiction. The "Reformatio Legum" was published complete in 1571, and the "De Antiquitate" in 1572. I should add that in title "De Deprivatione," c. 4 ("Cardwell," p. 166), it is ordered that, if a Bishop is in peril of being deprived for any crime, the Archbishop with two Bishops named by the Crown are to take up the cognizance of the affair. But before we part from the evidence which Parker thus bears to the range and application of the jurisdiction it is desirable to notice how in his magnifying of the office one point which he wishes to make clear is that along with it the Metropolitical See had received the fullest possible rights of dispensation ("De Ant.," p. 37). The wording of the passage "totum illud legum rigorem mitigandi jus, quod

Reformatio Legum.

dispensare dicitur" seems to show that, in Parker's view, the duty of tolerance was the complement of power. A letter from Parker to Sir William Cecil of April 28, 1566 ("Correspond. Parker," L. ccxv. Par. Soc., p. 280), was alleged as showing the Archbishop's own sense that he had no jurisdiction as to suffragans. But read in its connection with the history, that letter is not concerned with jurisdiction,* but with the impossibility of enforcing obedience so long as the Queen was unwilling to give the help of her Council.

Canons of 1604.

Such being the jurisdiction, there is therefore no difficulty as to the canons of 1604. The ground taken by Sir W. Phillimore was, that affirming recent canons made from 1580 onwards, by which the Archbishop, first alone and then with an assessor, formed a tribunal, they *created a new Court* expressly for the suspension of Bishops. The argument was that this proves that previously the Archbishop's was not a Court capable of such act of suspension. But it was not the Court that was new, but the penalty. Previously it was part of the common law of the Church that a man should not be ordained without a title, unless the Bishop was prepared to maintain him; nor without examination of his qualifications and character (see Phillimore, "Eccl. Law," p. 120). But there had been no penalty under previous enactments, and the scandals are well known which were brought about through neglect of the rule. Accordingly the 33rd and 35th canons of 1604 fix penalties, as the enactments of 1580, 1585, 1597 had done (though shortening the term in one case) in the form of suspension by the Archbishop from conferring holy orders. They give to the Archbishop (as the Court has to be named), according to apparently unbroken precedent, the benefit of assessorship, but only one assessor, since cases so simply proved required no more. In the 36th canon, where the question was mere matter of fact as to whether the candidate had subscribed the Three Articles, it is simply stated that the Bishop who had not required him to do so shall be suspended, without even naming the authority by whom. We must here observe that if Convocation, or the Archbishop in Convocation, had really been the proper and usual Court for the suspension of a Bishop, this could not have failed to be asserted in canons made by

* [Nor did it relate to proceedings against Suffragan Bishops, but to the enforcement upon the "inferior" clergy by the "Spiritual" courts of the Royal Advertisements of 1566. See "Grindal's Remains," p. 289, and Parker Corr., pp. 276, 277.—Ed. *C. I.*]

the Convocation itself. It is not necessary to examine the general language cited from authors, or from practice books, although they do not all point one way, because no opinions of the kind can affect the grounds which are before us as fully or more fully than before the writers.

De Dominis.

The great specific learning and ecclesiastical science of Antonio de Dominis, Archbishop of Spalatro, and Dean of Windsor, even if of his numerous proofs all may not be equally valid, cannot be lightly set aside. His conclusion, after elaborate research and argument, is that the Metropolitan "ordinariam jam habere in episcopos suæ provinciæ potestatem," or otherwise that he is "ordinarius admonitor corrector et judex adversus suorum suffraganeorum vel negligentiam vel excessus."

The "ordinary power," which was supposed to have been diminished by an Act of Charles I., was restored by the Act of 13 Charles II., 12.

Sheldon.

When Archbishop Sheldon's letter in 1676 is quoted with a view to show that in his judgment this particular judicial power did not reside in the Archbishop because he makes no mention of it, it can scarcely have been observed that neither does he mention the Court of his Vicar-General, nor the Court of Arches, nor the Court of Audience, nor yet that judicial power which it is argued that the Archbishop had in synod, Convocation, or other. If Archbishop Sheldon's silence as to the judicial power now under discussion means that it did not exist, then neither did any of the others exist, not even the power in Convocation which is contended for in the protest. Why he omits the formal mention by name of these judicial functions I do not know (perhaps because of the detail necessary to discriminate them), but it is observable that he does say very distinctly that the Archbishop "episcoporum in regimine episcopali errata et negligentias corrigit." This cannot have been done without some kind of Court, not *proprio motu*, or arbitrarily. And Sheldon is not speaking of the visitatorial power throughout the province. He deals with that some lines lower down.

Bp. Wood's case.

The case of Bishop Wood of Lichfield (1684) tells but little. It was an arrangement. Two suits about dilapidations (in one of which he was plaintiff, in the other the Archbishop's office was promoted against him), and a third,

brought against him for non-residence, were, by consent, referred to the arbitration of two Bishops. The arbitration was allowed, and the award confirmed by the Court of Arches, and the sentence, part of which was suspension, was formally pronounced by the Archbishop in Lambeth Chapel, a Bishop of the Province and another Bishop *(not the arbitrators)* being present.

In two other cases the learned counsel argued that the resort to special commissions by Royal authority showed that trial before the Archbishop was not recognized as a possible course—

Bps. Compton and Hacket.

the cases of Bishop Compton and of Bishop Hacket. With regard to Bishop Compton's case (1686) it is obvious that James II., intending him to be not only tried but condemned, had no other resource than an ecclesiastical commission. It was hopeless to expect that Archbishop Sancroft would himself execute the King's purpose. There was this further gain in a commission—that, in the absence of the Archbishop, it would be presided over (as was the case) by Lord Chancellor Jeffries. In the case of Bishop Hacket, of Down and Connor (1693) we need not resort to the fact that the Bill of Rights did not then run in Ireland in order to explain why it was heard by a commission from the Crown, and not by the Archbishop. The Archbishop, Primate Boyle of Armagh, was incapacitated from the performance of public functions. He had taken no part for ten years past even in consecrating bishops for his own province, though six consecrations took place between 1683, when he officiated for the last time (see "Records of Consecration of Irish Bishops," supplement to *Irish Ecclesiastical Gazette*, 1866), and 1702, when he died, at the age of 93, "his memory gone, deaf, and almost blind, a mere wreck of the past" (Abbey, "Eng. Church," vol. ii., p. 315).

Up to this point, then, no precedent has been found to show that, either by canon, statute, or usage, Convocation or any synod in the realm has exclusive jurisdiction ousting the jurisdiction of the Archbishop to try a Bishop of his province. On the other hand, frequent indications and mention, and examples, both indirect and direct, of the exercise from time to time of the Archbishop's jurisdiction are found continuously from the earliest times.

Lucy *v.* Watson.

And when the issue definitely appeared in the case "Lucy *v.* Bishop of St. David's," the validity of the

jurisdiction was distinctly affirmed, and has been accepted ever since. The suit was promoted *ex officio* before the Archbishop, who held his Court in Lambeth Palace, with his Vicar-General, assisted on each occasion by several of the five Bishops who were his assessors. Upon proof being offered, and several witnesses examined on each side, the Bishop tendered a protest on the suggestion that matters contained in the articles were of temporal character. The Archbishop overruled the protest. The Bishop appealed to the Court of Delegates. The appeal when it came on was heard by five peers, five bishops, five common law Judges, the Judge of the Admiralty Court, and four other doctors. They dismissed the appeal. But pending the appeal the Bishop moved for a prohibition, and Sir B. Shower argued for it,

"That it does not appear that the Bishop of St. David's was cited to appear in any Court whereof the law takes notice, for the citation is that he should appear before the Archbishop of Canterbury, or his Vicar-General, in the hall of Lambeth-house, which is not any Court whereof the law takes notice. For the Archbishop has the same power over his suffragan Bishops as every Bishop has over the clergy of his diocese, but no Bishop can cite the clergy before himself, but in his Court, and therefore the citation ought to have been in the Arches, or in some other court of the Archbishop." (1 Raym., 447.)

The argument may in form not be the same, but in substance is identical with the first ground of protest on behalf of the Lord Bishop of Lincoln. No doubt other grounds were shown in the St. David's case, but the prohibition was denied on all, except one article as to the abuse of a charity. The whole Court held that "the citation was good," and "that as to that which relates to the office of a Bishop, the spiritual Court may proceed against him to deprive him." Against sentence of deprivation the Bishop appealed a second time to King's Bench for a prohibition; to the Lords for leave to resume his privilege; and a second time to the Delegates. The King's Bench, in refusing the prohibition, declared itself with reference to the case "fully satisfied that the Archbishop had jurisdiction," that "by the common law he hath Metropolitical jurisdiction," and hath "power to deprive." The Bishop brought a writ of error before the House of Lords on the refusal of the prohibition by King's Bench. It was not received. In the House of Lords, counsel for both sides and the Attorney-General

for the Crown were ordered to be heard before the Judges. The question of jurisdiction was fully argued, and the ten Judges were unanimous for it. The Lords did not pronounce on that specific point, but refused leave to resume privilege. The Delegates (an equally strong Court as before, indeed, almost the same) were unanimously of opinion (Rothery) that the Archbishop had jurisdiction, confirmed the decree of the Archbishop, and remitted the cause to him. After that Bishop Watson retained lands of the See, and the Palace. Two informations of intrusion were exhibited before the Court of Exchequer, which turned on the lawfulness of deprivation. Judgment was given against him on both. On the former he appealed to the Exchequer Chamber, and judgment was confirmed; on the second to the House of Lords, but did not proceed with his writ of error. Thus by the Delegates twice, in the King's Bench twice, in the Court of Exchequer twice, by the Exchequer Chamber, and by the House of Lords twice, judgments were given which in some instances directly, and in others by necessary implication, bore witness to the Metropolitan jurisdiction now questioned. A consensus of jurisdictions affirmed and reaffirmed it. The case of "Lucy and the Bp. of St. David's" is referred to in Ayliffe's "Parergon," p. 92; Rogers's "Eccl. Law," p. 107; Stephens's "Law of the Clergy," 907; Phillimore, "Eccl. Law," 1135, 1339; Cripps's "Law of the Church," 97; and by Lord Denman in the Dean of York's case, 2 Q. B. R. No doubt is thrown on the decisions by any of these authorities.

Two new objections are, however, now raised to the authority of the St. David's case as a precedent. The one is personal to Lord Chief Justice Holt, and need not be considered. The other is that the absolute appearance to the citation in the first instance was a bar to the Bishop's raising the question of jurisdiction subsequently. The Bishop of St. David's and his advisers were not likely to miss this point if it could have been taken before the Archbishop with any reasonable hope of success. Sir B. Shower would not have argued the question of jurisdiction if he had thought that the Bishop's absolute appearance in the Ecclesiastical Court made such contention useless in moving for the prohibition. Mr. Lucy's counsel would simply have answered Sir B. Shower that the objection was taken too late. The distinction stated by Dr. Tristram is on principle sound. Where the matter is one of form, appearance will waive the objection; but where the matter is one of substance, such as jurisdiction in criminal suits, the objection may be taken at any time. "Prohibition may be granted at any time to restrain a Court to intermeddle with, or execute, a thing which by law they ought not to hold plea of. . . And the King's Court. . . may lawfully prohibit. . . as well after judgment and execution as before." (Answer of the Judges, "Articuli Cleri.

Coke 2d Instit.," p. 602.) "Where it appears that the matter was not within the jurisdiction of the spiritual court, a prohibition lies after sentence, or before." Comyns's "Dig. Tit. Prohibition," D. And, same Title, F, "where the Court has no jurisdiction a prohibition may be granted upon the request of a stranger, as well as the defendant himself." Compare "Taylor *v.* Morley" (1 "Curteis," p. 481); "Roberts *v.* Hamby" (3 "Meeson and Welsby," p. 130). Further, the St. David's case is an authority for holding that the Archbishop's right to cite a suffragan of the province is not interfered with by the "Statute of Citations," 23 Hen. VIII., c. 9. And therefore it is convenient here to remark on what was said (on one of these later cases) touching that statute. That Act was for the protection of persons resident within and subject to the jurisdiction of the Ordinary. And while it provided that persons should not be liable to be cited out of the diocese in which they reside, it makes exceptions in the case where the offence is committed "by the Bishop . . . or other person having spiritual jurisdiction . . . or by any other person within the diocese or other jurisdiction whereunto he shall be cited." The Bishop may be cited out of his diocese. Accordingly, among all the objections raised in the St. David's case, the Statute of Citations was not alleged.

Bp. Jones's Case.

In the contemporary case of Bishop Jones of St. Asaph the steps were these. A complaint from the clergy of the diocese; a metropolitical visitation by commissioners to collect evidence; "a process against the Bishop to appear and answer certain articles"; allegations by the Bishop in vindication; a formal hearing appointed by the Archbishop, June 5th, 1700; suspension decreed, June, 1701, "for six months *et ultra donec idonie* (sic) *satisfecerit in premissis, et aliter a nobis vel successoribus nostris ordinatum fuerit.*" His "purgation" was not satisfactory, and the sentence was continued for six months more.* No objection was taken at law to the jurisdiction or its exercise. (See "Narrative, &c., Lambeth Library," 113 K. 17.) Several other recent cases were cited in the argument

* This fact deserves to be noted for many reasons. It illustrates the meaning of making "satisfaction" to the Court; for in Bp. Jones' case his sentence of suspension was for six months (from June 18th, 1701) "and further *till* the Lord Bishop shall have suitably made satisfaction in the premisses, and otherwise been ordered by us or our successors." At the end of the six months, Bp. Jones appeared with six compurgators, but tendered an unsatisfactory apology, so that the sentence was continued till May 5th, 1702, the profits being further sequestrated. The "satisfaction" exacted by the Court was the following Confession in writing read and subscribed by Jones:—"I, Edmund, Bp. of St. Asaph, do here in the presence of Almighty God *in this Court*, and before the Most Reverend His Grace the Lord Abp. of Canterbury, my Metropolitan and judge, humbly confess" . . . . . [*viz.* the offences charged]. "And whereas my absolution from the sentence of suspension *hath been retarded*, by reason that I the said

besides "Lucy and St. David's," for instance, the Dean of York's case (in which, as it happened, prohibition was granted *after* sentence), 2 Q. B. R.; "Long *v.* Bp. of Cape Town" (1 "Moore" P.C.C., N.S., p. 46); "*In re* Bp. of Natal" (3 "Moore" P.C.C., N.S., p. 115); "Regina *v.* Abp. of Canterbury" (11 Q. B. R.); Sharpe's case (11 "State Trials"); "Porter *v.* Rochester" (XIII. "Coke"). In the Natal case it was laid down that no coercive legal jurisdiction in cases of heresy was transferred to the Metropolitan of Cape Town over his suffragan bishops either by law or consensually. But neither this nor any of these cases, in the opinion of the Court, show that the Archbishop of Canterbury has not the jurisdiction as settled in the St. David's case. Further, recent authority has confirmed the law as cleared and defined in that case. By the advice of the law officers of the Crown, Sir Christopher Robinson, Sir Robert Gifford (afterwards Lord Gifford), and Sir John Copley

Bp. Colenso.

Bp. of Clogher.

Bp. of St. Asaph had declared that I had acted in my diocese pursuant to my example, or by the directions of my predecessor, or to that effect" Jones therefore apologises unreservedly, and prays absolution. "Short Narrative of the Proceedings against the Bp. of St. Asaph." (Brit. Museum. 517. g. 39, & Lambeth 104. D. 14.) In the absolution itself, dated May 16th, 1702, under "the seal of our Vicar-General," it was recited that Jones had "made suitable satisfaction to Us, as from the Acts had and done in this business in that behalf is more fully manifest and apparent."—*Tenison's Register*, p. 175.

It was suggested by Counsel for the Bp. of Lincoln that the light sentence on "confession" of Bp. Jones, who was an Anti-Jacobite (a confession, be it observed, made only *after* the expiration of his original term of sentence), might have induced Bp. Watson in 1699 to waive his right to object to the Abp.'s jurisdiction. But seeing that the articles against Jones were not exhibited till June 14th, 1698, while Watson's citation issued on Aug. 23rd, 1695, this contention was scarcely plausible. It may be added that Hough Bp. of Coventry, and Compton Bp. of London, sat with the Abp. as his assessors in Jones' case, but are not regarded in the proceedings as "judges."

The above *judicial* confession of Bp. Jones throws light upon the meaning of the similar confession made by Bp. Pecocke, which may be read in Foxe (A. and M. iii-733), and was thus described, at the time, in the Report of the Royal Commissioners to the King.

"Over this, for as much as hit is now openly and notoriously knowen, as wel by the *judicial* and irrevocable confession of ye saide Reynolde Pecok by him *made in judgment*, and also by his solemn revocation late done in the sight of the people at Paul's cross at London, as by the *decree, and sentence declaratoir* late given at Lambeth by the Rt. Rev. Father in God the Abp. of Canterbury," &c.—[Wharton MS., Lambeth Library, No. 577, p. 28.]

According to another Lambeth MS. (No. 594, p. 22) Pecocke in his recantation at St. Paul's Cross, publicly referred to this, saying, "I have before this time, before the Most Reverend Father in God, my Lord of Canterbury, in due and lawful form *judicially* abjured." The Bishops who sat on that occasion with Abp. Bourchier were not the same "assessors" who presided on November 11th, 1457, at Lambeth.

Pecocke (like other Bishops) is customarily described in the contemporary official documents as "*Minister* of the See" of Chichester.—[Ed. *C. I.*]

(afterwards Lord Lyndhurst), that case was acted upon, and proceedings instituted before the Metropolitan against the Bishop of Clogher in 1822. (Phillimore, "Eccl. Law," p. 92.) The court does not enter upon the question of the Vicar-General of the Province of Canterbury correctly acting as Judge instead of the Archbishop of Canterbury because it does not practically affect the present case. The court has now examined in detail the facts and reasonings which have been submitted to it as ecclesiastical grounds against the validity of its jurisdiction. It desires to express its obligations to the learned counsel on both sides for the learning and lucidity with which they have illustrated the subject and fortified their several contentions.

Result of Inquiry.

The court finds that from the most ancient times of the Church the Archiepiscopal jurisdiction in the case of suffragans has existed; that in the Church of England it has been from time to time continuously exercised in various forms; that nothing has occurred in the Church to modify that jurisdiction; and that, even if such jurisdiction could be used in Convocation for the trial of a bishop, consistently with the ancient principle that in a synod bishops only could hear such a cause, it nevertheless remains clear that the Metropolitan has regularly exercised that jurisdiction both alone and with assessors. The cases came all under one jurisdiction, but in many forms:—In Synods, episcopal, clerical, or mixed; in Council; in the Upper House of Convocation; with both Houses; in the Court of Arches; in the Court of Audience (some hold); through the Vicar-General; through arbitrators; with one assessor, with three or four or five assessors, alone *absque consensu cujuslibet Episcopi,* but always, except for some impediment, Personally—*ob reverentiam Officii* and *ob reverentiam Fratris.* Nor is it strange that while the jurisdiction is one, forms should be many and cases few. The question now before us is touching the action of the Archbishop, sitting together with comprovincial assessors. There is no form of the exercise of the jurisdiction in this country which has been more examined into and is better attested and confirmed.

III. Conclusion.

The Court, therefore, although by an entirely different line of inquiry, has arrived at the same conclusion which was arrived at on purely legal principles by the unanimous Judgment of the Lord High Chancellor with four Judges and five Bishops who constituted the Judicial Committee of the Privy Council to advise Her Majesty in August, 1888.

The Court decides that it has jurisdiction in this case, and therefore overrules the protest.

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5th Thousand.]

ST. PAUL'S REREDOS CASE.

THE

JUDGMENTS

DELIVERED BY

THE RT. HON. LORD COLERIDGE

(Lord Chief Justice of England),

MR. BARON POLLOCK,

AND

MR. JUSTICE MANISTY,

IN

Allcroft and Others *v.* Dean and Chapter of St. Paul's.

In the Queen's Bench on June 1st, 1889.

London:

J. F. SHAW & Co., 48, Paternoster Row.

J. KENSIT, 18, Paternoster Row.

No. CV.]

Judgment of the Queen's Bench

IN

ALLCROFT AND OTHERS

V.

DEAN AND CHAPTER OF ST. PAUL'S.

Mr. Justice Manisty.—This is an application by four inhabitants of the diocese of London, within which the Cathedral Church of St. Paul is situate, two being justices of the peace for the County of Middlesex, one being a lieutenant-general in Her Majesty's Army, and the fourth being a barrister-at-law, and all of them being members of the Church of England as by law established, for a writ of *mandamus* commanding the Bishop to transmit a copy of a representation duly made to him by them pursuant to the provisions of the Public Worship Regulation Act, 1874, to the persons complained of—namely, the Dean and Chapter of the Cathedral Church of St. Paul—and to proceed thereon further in accordance with the said Act. In the alternative, the applicants ask that the Bishop may be commanded to proceed to consider the whole circumstances of the case affecting such representation, without considering any other circumstance, or taking into consideration reasons other than the circumstances of the case. I propose to deal with the first head of the application only. The representation stated that the Dean and Chapter of the Cathedral Church of St. Paul had within five years before the date thereof—namely, in January, 1888—introduced into the said church and set up upon the altar-piece or reredos therein an image or sculptured subject, &c. (The learned Judge read the representation.) I doubt whether the limitation of five years applies to the present case. See subsection 1 of section 1 and the proviso at the end of section 1, which applies only to an alteration in, or addition to the fabric of the church, and not to a 'decoration' forbidden by law. The point does not arise in the present case, as this representation was made within five years; but it may arise in another case if a succeeding Bishop, after the expiration of five years, should entertain a different opinion to that of his predecessor; and upon a representation being made to him should send it on to the Archbishop in order that the case should be tried. Each

of the applicants made and sent to the Bishop a statutory declaration of the truth of the statements contained in the representation, as required by the eighth section of the Act of 1874. The Bishop, on the 23rd of May, 1888, made a statement in writing, and deposited it in the registry of the diocese, and transmitted a copy to the present applicants and to the persons complained of, as required by the ninth section of the Act. (The learned Judge here read it.) The applicants contend that the Bishop had no power without the consent of the parties to decide (as he has done) that the crucifix or sculptured image of our Saviour on the cross, which is in question, is legal, and that he ought to be compelled, in accordance with the ninth section of the Act of 1874, to transmit a copy of the representation to the persons complained of, and to require them, and also the persons making the representation, to state in writing within twenty-one days whether they are willing to submit to his directions touching the matter of the representation without appeal, and that if they do so the duty of the Bishop is forthwith to hear and decide the matter; but if the parties do not so submit, then that the Bishop is under the circumstances bound to transmit the representation to the Archbishop of Canterbury, who is forthwith to require the Judge of the Provincial Courts of Canterbury and York to hear the matter of the representation. The judgment of that Judge is by section 9 of the Act subject to appeal to the Queen in Council. The Dean and Chapter contend that it was in the absolute discretion of the Bishop, without the consent of the parties and without even hearing them, to decide as he did, and to stop further proceedings on the representation. The question raised by the representation, and which the applicants seek to have finally determined by appeal, if necessary, to Her Majesty in Council, is whether the introduction into this reredos of a crucifix—that is to say, of an image or sculptured subject, 5 ft. in height or thereabouts, representing our Lord upon the cross—in a conspicuous position immediately above the Communion table, is forbidden by law. The Bishop in his statement says that having considered the whole circumstances attending the representation, he is of opinion proceedings should not be taken upon it, for the reason that the main question of principle raised by the representation has been already decided in the Exeter case—"*Phillpotts* v. *Boyd*" (L.R. 6, Privy Council cases, 435)—decided in February, 1875. In that case a reredos was held to be legal which showed the figure of our Lord in the act of ascending into heaven in a conspicuous place immediately above the Communion table, and that consequently further litigation in the present case was inexpedient. In the course of his statement the Bishop does not say the erection in the two cases is similar or the same; on the contrary, what he says is, "it is impossible to say the difference between the two is of very grave importance, or that the one offers serious temptation to idolatry and the other does not." His Lordship does not say that the difference is not of grave, or any, importance, but only that it is not of "very grave" importance. Again, he does not say that the crucifix in the present case does not offer temptation to idolatry, but only that it does not offer "serious" temptation. I venture very respectfully to differ from the Lord Bishop as to the similarity of the two cases, and as to the effect of the judgment in the Exeter case which was commenced in 1873, consequently before the passing of the Act of 1874. Two years after that judgment was pronounced—namely, in

May, 1877—the case of "*Ridsdale* v. *Clifton*" (L.R. 2, Prob. D., 276) came before a committee of the Privy Council consisting of the Lord Chancellor Cairns and Lord Selborne and eight other eminent members, the Archbishop of Canterbury and four other Bishops attending as episcopal assessors. One of the questions was whether the placing and retaining the crucifix on the top of the screen separating the chancel of the church from the body or nave was illegal. The judgment will be found at p. 349, to the effect that the crucifix in question in that case was contrary to law. The learned Judge read from the judgment as to the distinction between crucifixes and crosses.) In the following month of June, 1877, the Denbigh case, as it has been called, which is reported by the name of "*Hughes* v. *Edwards*" (L.R. 2, Prob. Div., 361), came before the Court of Arches, and Lord Penzance as Dean of the Arches decided that a reredos, of which the central compartment consisted of a sculptured panel representing the crucifixion and having the figure of our Saviour on the cross, 2 ft. 8 in. high, was not illegal; but in giving judgment he says (at p. 370), "I do not conceal from myself that this question is one upon which there is room for much difference of opinion." This case, though not referred to by the Bishop in his statement, is, as an authority, stronger than the Exeter case in favour of the legality of the crucifix, or sculptured image of our Saviour on the cross, in the present case; but the facts are not the same, and one of the objects of the present applicants is to have that case reviewed if necessary, and to have it decided finally by Her Majesty in Council whether the crucifix in question is or is not contrary to law. The question we have to decide is not whether the crucifix is legal or illegal, but whether, the Bishop of London having decided the question of law raised by the representation, and given his opinion that proceedings ought not to be taken upon the representation for a reason which, as it seems to me, is erroneous and bad in point of law, his Lordship ought to be compelled by means of the high prerogative writ of *mandamus* to allow the proceedings to be continued as provided by the 9th section of the Act of 1874. The answer to this question seems to me to depend upon the true construction of the Public Worship Act, 1874. (The learned Judge read the preamble, and sections 8 and 9.) I think the context shows that "the whole circumstances of the case" which the Bishop is to consider, do not include the consideration and decision of an undecided question of law raised by the representation. By undecided, I mean not decided by the final Court of Appeal. His duty in such a case, as it seems to me, is to entertain the representation and follow the course prescribed by the Act for further proceedings. If the question had been decided by the final Court of Appeal it may be the Bishop would have been justified in stating that fact as his reason for being of opinion that proceedings should not be taken on the representation; but it seems to me to be incredible that the Legislature intended to give every bishop absolute power without the consent of the parties, or even hearing them, to decide a question of law which has not been decided by the final Court of Appeal, and stop the proceedings absolutely. If this be the law, it follows that every Bishop may, for the time being, and, in my opinion, for that only, permit any image, *however illegal*, to be introduced into every church in his diocese. It is suggested that if the Bishop has such

power other proceedings may be taken by which the decision of the ultimate Court of Appeal can be obtained. I am by no means sure that such is the case—see "*Sheppard* v. *Bennett*" (L.R. 2, Ecclesiastical cases, 335-343)—but if it be, it seems to me to afford a strong argument in favour of the contention that the Legislature did not intend to give the Bishop the power to prevent an appeal upon a question of law raised by a representation under the Act of 1874, which is intituled, "An Act for the better administration of the laws respecting the regulation of public worship." It may be difficult to define what cases are within the jurisdiction of the Bishop—that is to say, within the words, "Unless the Bishop shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken on the representation," but I think those words may be satisfied by confining them to minor matters, such as the applicants not being duly qualified to make a representation, or the proceedings being frivolous and vexatious, which the Bishop does not suggest as the reason for his opinion. I also think that the fact of the Bishop being required to state in writing the reason for his opinion, and the provisions as to the course to be pursued, not only in case the parties consent to submit to his directions, but also in case of their not consenting, show clearly that it never was intended to give the bishop the unlimited and absolute power now contended for. In construing an Act of Parliament the intention of the Legislature is the point to be ascertained, and it must be collected from the whole of the provisions in the statute which bear upon the question. A thing which is within the letter of a statute is not within the statute unless it be within the intent of the Legislature—Bac. Abs. Title Statute I., 5; "*Bridger* v. *Richardson*" (2 M. and S., 568); "*Simpson* v. *Unwin*" (3 B. and Ad., 124). I place great reliance upon the proviso in section 9 that no judgment pronounced by the Bishop after the parties have submitted to his directions without appeal shall be considered as finally deciding any question of law, so that it may not be again raised by other parties. This proviso, by necessary implication, gives other parties who do not submit to the Bishop's directions power to make a representation and raise the same question, and the right to have it tried by the Judge with power of appeal to the Queen in Council, thus showing, as it seems to me conclusively, that it never was intended to give the bishop power finally to decide a question of law, such as is raised in the present case, even as between the immediate parties, without their consent and without even hearing them. If this be not so, this absurd consequence follows—that if other parties, by a representation, raise the same question, and do not submit to the Bishop's direction the Bishop may, nevertheless, stop the proceedings *in limine*, as he has done in the present case, thus rendering the proviso of no effect. I also place considerable reliance upon the words requiring the Bishop to state in writing the reason for his opinion that proceedings should not be taken upon the representation, in the event of his being of that opinion. It cannot, I should think, be successfully contended that these words were inserted without an object, and that they are immaterial. The only suggestion made by the Attorney-General was that probably these words were introduced in order to insure expedition; but they have no such effect, and expedition is provided for by other words. It seems to me that probably they were

inserted for the purpose of preventing the Bishop exceeding his powers, and to enable the persons making the representation to get redress if he did exceed them. If the view I take of the intention of the Legislature be correct, then, in my opinion, it follows that the *mandamus* which is asked for should be issued. It is a high prerogative writ invented for the purpose of supplying defects of justice, and by Magna Charta the Crown is bound neither to deny justice to anyone, nor to delay anybody in obtaining justice. Allusion was made in the argument by the learned counsel for the Dean and Chapter to the case of "*The Queen* v. *the Lord Bishop of Oxford*" (4 Q. B. Div., 245 and 525), reported under the name of "*Julius* v. *the Lord Bishop of Oxford*" (5 Appeal Cases, H. L., 214). That was a case under the Church Discipline Act, 1840 (3 and 4 Vic., ch. 86), which was an Act to amend the manner of proceedings in causes for the correction of clerks in holy orders of the United Church of England and Ireland. It will readily be seen by a perusal of the Act and the judgments that the case is wholly different from the present. In conclusion, I will venture to add that for the sake of all parties the sooner the question raised by this representation is finally decided the better. The Bishop, in his statement, says litigation keeps up irritation and party strife, it embitters men's feelings, it inflicts much mischief in the Church and in true religion. It is for those very reasons that I think the sooner litigation upon this vexed question of the legality of introducing crucifixes, such as the present, into churches is set at rest by the Court of final appeal the better it will be for the Church and all parties concerned. I should think no one is sanguine enough to suppose that the decision of the Bishop in the present case will finally settle the question. I am of opinion that the writ of *mandamus* should be issued in the form first asked for by the applicants, and I would very respectfully ask the Bishop to consider the observations I have made before he decides whether he will obey the writ and so send the case for trial, or whether he will appeal against it, and so continue litigation for an indefinite length of time.

Mr. Baron Pollock then read a judgment to the contrary effect—that the *mandamus* ought not to be granted. He said,—An order *nisi* was granted in this case, calling upon the Bishop of London to show cause why a writ of *mandamus* should not issue directing him to transmit a copy of the representation of John Derby Allcroft and three other complainants, dated May 4, 1888, to the persons complained of—namely, the Dean and Chapter of St. Paul's—and proceed thereon further in accordance with the Public Worship Regulation Act, 1874. The question now for our decision is whether that order ought to be made absolute. The matter arises out of a proceeding under the Public Worship Regulation Act, 1874, whereby the prosecutors, being persons duly entitled to proceed under that Act, transmitted to the Bishop of London a representation which stated in substance that the Dean and Chapter of St. Paul's had within five years introduced, &c. (The learned Judge read it.) In answer to this representation the Bishop of London sent the following reply (reading it). It is said by the complainants that the reasons set forth by the Bishop in this answer are insufficient, and so clearly insufficient that this Court ought to treat them as a nullity, and to require the Bishop to transmit and proceed with their representation as if he had stated no reasons at all. The decision of this question turns mainly upon the proper con-

struction to be given to section 9 of the Public Worship Regulation Act, 1874. Section 8 of that Act provides that if a certain class of persons (including such persons as the complainants) shall be of opinion "that in such church any alteration in or addition to the fabric, ornaments, or furniture thereof has been made without lawful authority, or that any decoration forbidden by law has been introduced into such church," they may represent the same to the Bishop in a form given by the Act. By section 9, subject to an exception which I will notice more fully presently, it is provided that the Bishop "shall within twenty-one days after receiving the representation transmit a copy thereof to the person complained of, and shall require such person, and also the person making the representation, to state in writing, within twenty-one days, whether they are willing to submit to the directions of the Bishop without appeal, and if they shall state their willingness to submit to the directions of the Bishop without appeal, the Bishop shall forthwith proceed to hear the matter of the representation in such manner as he shall think fit, and shall pronounce such judgment and issue such monition (if any) as he may think proper, and no appeal shall lie from such judgment or monition. Provided that no judgment so pronounced by the Bishop shall be considered as finally deciding any question of law, so that it may not be again raised by other parties." The section further enacts that—"If the person making the representation and the person complained of shall not, within the time aforesaid, state their willingness to submit to the directions of the Bishop, the Bishop shall forthwith transmit the representation in the mode prescribed by the rules and orders to the Archbishop of the province, and the Archbishop shall forthwith require the Judge to hear the matter of the representation at any place within the diocese or province, or in London or Westminster." Had this been the whole of the section, there can be no doubt that the words being "the Bishop shall transmit" would make it imperative upon him to forward a copy of the representation wholly irrespective of his own opinion, and it seems therefore unnecessary to enter upon the consideration of the many cases in which this Court has been called upon to decide upon such words as "may," "might," "it shall be lawful," and, so far as this part of the case is concerned, it seems that little can be gained from the decision of the Court of Appeal and of the House of Lords in the case of "*Julius* v. *the Bishop of Oxford*" (4 Q. B. D., 245, 525; 5 App. Cas., 214). The section, however, begins with these important words:—"Unless the Bishop shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken on the representation (in which case he shall state in writing the reason for his opinion, and such statement shall be deposited in the registry of the diocese, and a copy thereof shall forthwith be transmitted to the person or some one of the persons who shall have made the representation, and to the person complained of), he shall, within twenty-one days after receiving the representation, transmit a copy thereof to the person complained of." It is clear from this provision that the Bishop is bound to consider the whole circumstances of the case, and from those circumstances to form an opinion whether proceedings should, or should not, be taken on the representation; and that he would be as much guilty of a dereliction of duty if he declined or omitted to do so, as he would be if he declined, or omitted, to

transmit the representation. Every word contained in this exception is of importance. That there is a discretion vested in the Bishop, and that it must be properly exercised, is beyond dispute. The object which he is directed to attain is to decide whether proceedings should not be taken on the representation; but before arriving at that object he must form an opinion, and that opinion must be based upon a consideration of the whole circumstances of the case. There can, therefore, be no doubt that the Bishop is bound, in the first place, to form his opinion upon considerations that arise within the scope of the Act of Parliament. If he were to say that in his opinion the adjudication upon any representation was an evil, and therefore that proceedings should not be taken upon the particular representation transmitted to him, his decision would be nugatory, and this Court ought to treat it as such. Again, if it could be shown that the Bishop had not considered the whole circumstances of the case within the statute, but that he had based his opinion upon a portion of those circumstances only, to the exclusion of others that were material, I should come to the same conclusion. This part of the case was presented with logical accuracy by the arguments of the learned counsel who appeared for the complainants. Their joint effect may be stated as follows:—"We do not ask the Court,' they said, 'to review the Bishop's reasons; but those reasons must be within the area created by the statute, He must consider the whole circumstances of the case. To omit one circumstance may be as bad as omitting all. So, to add a circumstance not within the proper area may be equally mischievous; for, if he has included this within his reasons, he has not reasoned merely about the whole circumstances, but about these and something else. Further, the Bishop is bound to show by his written opinion that he has considered the whole circumstances, and that his opinion flows from them." I accept and approve of the whole of this proposition; but in giving effect to it it must be borne in mind that the statute does not in any way set forth what are the reasons by which the Bishop is to be guided in forming his opinion. These must be gathered from the whole circumstances of the case, and by applying them to such considerations as properly assist the mind in coming to the required conclusion. In some cases circumstances beyond those which arise out of the particular subject of the representation—such as the character of the church or of the congregation; the period of time during which the images objected to have been erected; the opinion and conduct which their erection may have elicited from those who are in the habit of attending Divine worship at the particular church—ought to be considered before the opinion is formed. In other cases the mere form and character of the images themselves may suffice; but in all cases such general considerations as properly bear upon the determination of the question which it is the Bishop's duty to solve—such as whether the proposed litigation is *bonâ fide* or vexatious; whether it is sought with the honest object of determining some principle affecting "the fabric, ornaments, or furniture" of the church; or with the view of re-arguing what has been already decided, or harassing opponents by unnecessary litigation—must find a place; and, further, it is impossible to lay down any rule by which this Court can dictate to the Bishop what particular weight he ought to attach to some circumstances of the case rather than to others, or to the consequences to be derived

from them. In the present case, the reasons of the Bishop appear to be confined to the character of the images objected to; and it is by considering this in connexion with the existing law as laid down in a recent case which deals with the legality of a similar image that he arrives at his conclusion. If upon reading the reasons which he has stated in writing and giving to them a fair and reasonable construction, I find that he has, after considering the whole circumstances of the case, arrived at an opinion that proceedings should not be taken, I am at a loss to discover any ground upon which I can treat that opinion as a nullity. When once it is admitted that the Bishop has not only the right to exercise, but the duty expressly cast upon him by the statute of exercising a discretion, it seems to me, adopting the language which was used by Earl Cairns in "Julius v. the Bishop of Oxford," that there is not "any occasion, or, indeed, any right to examine into the manner in which, or the principles upon which, that discretion has been exercised. For the exercise of that discretion the Bishop, and the Bishop alone, is responsible, and it would, in my opinion, be inconsistent to hold that his discretion is an answer to the application for a *mandamus*, and at the same time, on that application, to criticize the grounds upon which that discretion has been exercised." It would be inconsistent with what I have already said to enter at any length upon the consideration of what is the conclusion to which the Bishop has arrived and the means by which he has arrived at it; but as some arguments were used to show that his conclusion and the reasons upon which the opinion for it is based are illusory, it may be right that I should add, were it only by way of illustration, what appear to me to be in effect and substance the grounds and the result of that opinion. It cannot be disputed that, if the subject-matter of the complaint could be shown to be *idem per idem* with that which had been complained of before and determined by the appropriate tribunal to be lawful, the Bishop might properly say that the proceedings should not be taken; and again, if any distinction that could be taken between that which was now complained of and that which had previously been decided to be lawful was so trivial and non-essential as to be, in the opinion of the Bishop, immaterial, with reference to the ground upon which the complaint was based, he might equally come to the same conclusion. Now, in considering whether the distinction is or is not material, the Bishop may well have gone through the same process of reasoning as was adopted by Lord Penzance in the case of "*Hughes* v. *Edwards*," 2, Prob. Div., 361. The Court had there to decide whether a sculptured image of Our Lord as crucified was illegal, it having been already held that an image of Our Lord representing His Ascension was lawful; and, in summing up the considerations upon which his judgment was based, Lord Penzance said:—

"What are the materials upon which a judgment has to be formed. The proposed erection is a fitting and natural architectural ornament. It is proposed to be placed in a part of the Church where ornaments of the kind are not unfrequently found. It is not an isolated figure, but a group capable of artistic treatment. It differs only from a very similar erection which has been held lawful at Exeter, in the circumstance that it portrays the Crucifixion in the place of the Ascension; and it differs not at all in essentials from other representations of the Crucifixion which have hitherto been found harmless, such as that which has stood for so many years in St. Mar-

garet's Church, Westminster. Why then, without more, it may be asked, why, without further evidence, should the probability of its abuse to superstitious purposes be declared to be established?"

I am averse to give much weight to an argument founded upon the question why should the Legislature have intrusted to the Bishop a power, the importance of which has not been overrated. Where the language used is clear and definite, such an argument in itself seems to imply a desire to escape from giving effect to the true construction of the statute; but it meets in the present case with another and perhaps practically a more powerful answer—namely, that the Act beyond all doubt gives to the Bishop a discretion to decide whether or not the suit shall proceed, and in doing this it cannot escape from intrusting to the Bishop the exercise of his judgment upon a matter of the greatest weight. Nor must it be forgotten in measuring the extent of the discretion which is left to the Bishop that the statute in question is not one that creates a new offence, or that creates a new and sole remedy for an old offence, but that it is supplementary, and provides for the first time a new, more expeditious, and more convenient remedy for a mischief which could have been, and still can be, attacked by other modes; for it is still open to anyone who complains of the structure and figures alluded to in the representation to proceed by the old procedure; and there is nothing irrational or inconvenient in supposing that the Legislature when it created this new and more easy remedy for the protection of those attacked hedged it round by a special provision which insured that it should not be put in motion until the Bishop had decided this preliminary question. It was forcibly urged against the Bishop's opinion that he had not sufficiently dealt with the question whether the images objected to were likely to produce idolatry, but the representation contains no allegation of actual idolatry other than may arise from the character and position of the images themselves; and as this has already been dealt with by the Courts which alone have jurisdiction to deal with such matters, the sole question raised, is whether the distinction between the images now complained of and those which have been pronounced to be legal is such that the present proceedings ought to be taken; and this is the very matter upon which the Bishop and not this Court is to decide. It was also argued that the reasons set forth were insufficient by reason of the last two paragraphs of the Bishop's answer, the proposition being that, for aught that appears, the Bishop may have founded his opinion solely upon what is stated in these paragraphs. To this I cannot assent. It may be that they might well have been omitted, but being there they must be read and construed by the light that is thrown on them by what has gone before, and to treat them as abstract reasons upon which alone the opinion has been based is contrary to the ordinary rules of construction, and assuming that the reasons set forth in the earlier paragraphs are within the scope of the Bishop's discretion and that the last two paragraphs are to be treated as containing reasons which operated upon the Bishop's mind, I cannot say that the "keeping up of litigation by raising minor points" is not an evil which ought legitimately to be taken into consideration when dealing with the question of proceedings which in the Bishop's opinion tend only to

raise a question which has in substance been already decided. I have not overlooked the provision of the statute which requires that the Bishop is to state in writing the reason for his opinion. The object of this probably was, not merely to avoid delay by requiring the Bishop to act within a fixed time, but to insure that he shall make public in writing the reasons for his opinion, as they must be transmitted to the persons who have made the representation and to the person complained of within twenty-one days: and no doubt they do in this way afford a security that the reasons shall not be illusory; but I cannot, in considering the earlier words of the section, give any different effect to them, because the Bishop is to state his reasons in writing. To do so would be to create by a false inference an appeal to this Court where no such appeal is given by words; or, in other language, to turn the right of the complainant to a *mandamus* into a right to appeal from the reasons and opinion of the Bishop, although he has exercised the discretion with which he is invested. In my judgment, therefore, the order *nisi* ought to be discharged.

Lord Coleridge then delivered his judgment in writing, to the same effect as Mr. Justice Manisty, that the *mandamus* should be granted. I regret (he said) to be obliged to differ from the conclusion at which my Brother Pollock has arrived in this case. His judgment, however, sets out so fully and so accurately the facts upon which our judgment must turn, and describes upon the whole with such perfect correctness the principles which are to guide our judgment, that I am quite content to take these portions of his opinion as expressing my own. It is when we arrive at the application of the principles to the facts that I am obliged to part company. Perhaps, however, it may tend to clearness if I very shortly summarize the case as more fully stated by Mr. Baron Pollock. By the 8th section of 37 and 38 Vic. c. 85, a certain class of persons have a right to make complaints to the Bishop; and the 9th section enacts what the Bishop is to do upon the receipt of the complaints. In short (the words, it is to be observed, are imperative) "He shall" put the matter in train for adjudication "unless he shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken on the representation (in which case he shall state in writing the reasons for his opinion, and such statement shall be deposited in the registry of the diocese, and a copy thereof shall forthwith be transmitted to the person, or some one of the persons, who shall have made the representation and to the person complained of)." These words are very direct and plain, and that they give the Bishop a discretion it is quite impossible to deny. That discretion the Bishop of London has exercised in this case by refusing to allow any proceedings to be taken on the representation. And, in obedience to the statute, he has given what must be taken to be the reasons for his refusal in writing. The Bishop is a man of great ability and of the highest possible education. I do not assume for argument's sake, I really believe, that he meant his writing to contain his reasons, the reasons he was bound to give under the Act of Parliament; and that it is dealing fairly neither with the Bishop nor with the case to hold that he took the opportunity to deliver a censure upon the litigious spirit which might have found appropriate place in a sermon, but certainly had none in a legal statement of legal reasons, unless the censure represented, as I believe it did, his main 'reason,' or one of his main 'reasons,' for the exercise of

his veto. So, again, his statement that the judgment in "Phillpotts v. Boyd" had decided the case, and that the complainants here were only "seeking to engraft an exception on the principle there laid down in a matter not of grave importance" is, I believe, meant to be taken by him, as I take it, for a statement of another main 'reason' for refusing to allow the complainants to proceed. I can find no other reasons, no other references to the whole circumstances of the case than these, and I have read his paper again and again with the real wish to discover anything further. Are these reasons sufficient in law? Are they any part of the "whole circumstances of the case" which alone the Bishop has a right to consider in forming his opinion? If they are, this rule ought to be discharged; if not this rule ought to be made absolute. Now, what are the undisputed facts of this case? It seems clear that there is no necessity for a faculty even for important alterations in the fabric of a cathedral church. ("*Phillpotts* v. *Boyd*," 6 L. R., Privy Council Appeals, 556). So that in a case like the present, in which the choir has been shortened by near forty feet, and the masterpiece of one of the greatest architects in the world has been altered, not by erecting the splendid baldachin or ciborium, which Dean Milman tells us Wren had designed for it, the metropolis and the whole country are absolutely in the hands of five clergymen, the holders for a few years of the residentiary canonries, responsible to no one, and not controllable by any. A piece of work, costly and splendid no doubt, has been erected, rich in coloured marbles and gilding, and containing, certainly, the largest carved crucifix which has been erected inside an English church since the Reformation, or, to speak more correctly, since the reign of Queen Elizabeth; and containing also a large crowned statue of the Blessed Virgin with Our Lord as an infant in her arms. By persons properly qualified, it is desired to question the legality of this structure. The Bishop of London refuses his permission, and a precedent, surely a most important one, has been set which it is reasonably certain will be followed. Now, in cases under the old Church Discipline Act it has been held by the House of Lords that the discretion of the Bishop is absolute, and that, be the breaches of the law as gross, as numerous, as repeated as you please, if the Bishop thinks the offender a good man, or *he himself dislikes* law, a whole parish is under that Act, entirely without redress. It seems at first sight at any rate to be somewhat different under the Public Worship Regulation Act. That Act, it is true, was passed before "*Julius* v. *the Bishop of Oxford*" was decided; but it was passed long after the decision of "*Reg.* v. *the Bishop of Chichester*," in which a fair warning had been given of what a Court, composed of very eminent men, might probably hold as to the absolute discretion of the Bishop under the old law. Indeed they did hold it; for, having been counsel in the case, I desire to say that I am sure Mr. Justice Wightman stated with his usual accuracy the opinions of Lord Campbell and Sir William Erle, a statement published at the time in the reports, a statement which they must have read, but which was never challenged or questioned by the distinguished men on whose behalf Mr. Justice Wightman professed to speak, and whose opinions he said that he expressed. It is therefore to my mind at least highly probable that those who passed the Public Worship Regulation Act intended to place some restriction on the discretion of the Bishop by compelling him to state his reasons in

writing. Whether it has been so placed is, no doubt, a question not of mental intention but of legal construction; yet if the Bishop's discretion remains absolute as before, and if his reasons are, as it seems to me my Brother Pollock's judgment makes them, practically unexaminable, I fail altogether to see that any change has been made in the law, or that the very lightest fetters have been imposed on the will of the Bishop. Indeed, if any change has been made, it has been made, if I understand my learned brother, not indeed to strengthen, for you cannot strengthen what is already absolute, but to protect the discretion and make its exercise easier, inasmuch as to some minds to refuse permission, giving reasons which may be illusory, but cannot be questioned, appears a less arbitrary proceeding than to refuse permission by a simple act of the will. I am, therefore, of opinion that the "reasons" must be the reasons on which the Bishop acted; they must be, or arise out of, the whole circumstances of the case; and if it is clear from the statement of them that they are no such reasons as the statute contemplates, they may be treated as if they were no reasons at all, and he may be ordered to proceed. With all respect, Lord Cairns's words used as to the discretion under the earlier Act are not in point here. Under that Act the discretion was absolute, and the relevancy, or irrelevancy, of the reasons given or to be collected for its exercise could not affect its validity. It would cease to be absolute if a Court, thinking the reasons for it bad reasons, could set the exercise of it aside. I agree to this. But I deny that under the Public Worship Regulation Act the discretion is absolute; it must be founded upon reasons, and if the reasons cannot be considered they had much better not be given. I disclaim altogether a right to pronounce upon their sufficiency; but I claim the right to examine their relevancy and their accordance with the Act of Parliament. Suppose a Bishop were to write, "I find that Mr. Blank denies the cup to the laity, reserves the host, reads the prayers in Latin, has a separate altar for the Blessed Virgin, over which he places her crowned form, and so forth, and that he has succeeded in emptying his church; that he is a very good man, very generous, and very old; his closing years should not be troubled with law, to which I have a great objection, and which never, in my opinion, tends to edification, and therefore, under all the circumstances of the case, I forbid all further proceedings." This sounds like a travesty; but it is hardly an exaggeration of what has already been done in other cases; and if I follow my learned brother, in such a case as this a temporal Court has its hands absolutely tied. I will be no party to such a decision. I must leave it to the higher tribunals of the country to say, as they are bound to say, if they think it, that the reasons to be given by the Bishop need have no form even of reasoning about them, need not even tend to or have any bearing on the conclusion which professes to be based upon them, and that if the Bishop selects any one or two things which have passed through his mind while considering the case, states them, and goes on to say that he has considered the whole circumstances of the case, then there is an end of the matter, and no Court can further interfere. If a Court the authority of which binds me, so decides, I shall, of course, whatever private opinion I may entertain, adhere loyally as a Judge to what has been so decided. At present the Bishop's general objection

to litigate does not appear to me to be such a "reason" as I ought to hold to be a compliance with the plain meaning of the Act of Parliament. There remains to be considered the only other reason which I can extract from the Bishop's paper—viz. that this case has been really decided by the decision in "*Phillpotts* v. *Boyd*" (6 L.R., P.C.A., pp. 466, 467). Now the Bishop of London was for many years Bishop of Exeter; he is therefore familiar, as I chance to be myself, with both these structures, and I must express respectful amazement that he can see the smallest similarity between them, or can think that the Judges who decided the Exeter case had the least idea that their words would or could be taken by anyone to decide the legality of a structure so essentially different from the structure with which they were dealing as is this reredos of St. Paul's. But it appears to me that not only does one case not cover the other by fair inference, but that the Exeter case has been expressly determined *not* to cover this case by the Privy Council itself. The structure with which their Lordships were dealing in "*Phillpotts* v. *Boyd*" and the mode in which they dealt with it is so clearly described and the language is so important that I quote it at length (6 L.R., P.C.A., p. 466):—

"What, then, is the character of the sculpture on the reredos in the case before their Lordships? For what purpose has it been set up? To what end is it used? And is it in danger of being abused? It is a sculptured work in high relief, in which are three compartments. That in the centre represents the Ascension of our Lord—in which the figure of our ascending Lord is separated by a sort of border from the figures of the Apostles, who are gazing upwards. The right compartment represents the Transfiguration, and the left the Descent of the Holy Ghost on the day of Pentecost. These representations appear to be similar to those with which everyone is familiar in regard to the sacred subjects in question. All the figures are delineated as forming part of the connected representation of the historical subject. The Ascension necessarily represents our Lord as separated from the Apostles, who are gazing at him on his Ascent. As finials to the architectural form of the reredos there is on each side a separate figure of an angel. It is plain to their Lordships that the whole structure has been set up for the purpose of decoration only. It is not suggested that any superstitious reverence has been or is likely to be paid to any figures forming part of the reredos, and their Lordships are unable to discover anything which distinguishes this representation from the numerous sculptured and painted representations of portions of the sacred history to be found in many of our cathedrals and parish churches, and which have been proved by long experience to be capable of remaining there without giving occasion to any idolatrous or superstitious practices. Their Lordships are of opinion that such a decorative work would be lawful in any other part of the church, and, if so, would not be unlawful by reason of its erection in the place which it occupies. They desire it to be understood that nothing decided in this case affects the question of superstitious regard being paid contrary to the 22nd Article to any representation, or images that are or may be set up in churches. The law will at all times be strong enough to correct and control any such abuse, but they are of opinion that the sculpture in question is not

liable to be impugned in that respect." No one, I think, can have seen the Exeter reredos without entirely accepting the correctness of the description, and the sense and justice of the judgment. It is a sculptured picture, or rather a series of sculptured pictures, "set up for the purpose of decoration only," and a man must be indeed in Scripture phrase "wholly given to idolatry" who could pick out a particular figure or figures from these separate groups to worship or to pray to. But this very judgment came under review in the case of "*Clifton* v. *Ridsdale*" (L.R., P. and D., 316), decided by Lord Penzance, and again in the appeal from Lord Penzance's judgment to the Privy Council (2 L.R., P. and D., 276). The Exeter case was binding on Lord Penzance, and he professed to decide *in accordance with it*. He, however, directed the removal of a crucifix, not only on the ground that it had been erected without a faculty, but that it was *in itself unlawful*; and if there had been a faculty for its erection he said he should none the less have ordered it to be removed. Mr. Ridsdale appealed upon four grounds, and the judgment which has since become famous was delivered by Lord Cairns. It was the judgment of himself and ten other Judges (two were said to have dissented) with five episcopal assessors. *Whether Judges are to be weighed or numbered no judgment can possibly carry greater weight or authority.* On two points, not material now to be stated, Lord Penzance was reversed; on another, also immaterial to the present case, he was affirmed; on the question of the crucifix he was also affirmed; and on this subject Lord Cairns expressly quoted and adopted the language of Lord Penzance, and made it part of the judgment of the Privy Council. This portion of the judgment is also so important that, as before, I quote it fully:—

"The learned Judge thus describes the screen and crucifix:—'There is a screen of open ironwork stretching across the church, the middle part of which is surmounted by a crucifix,' &c. Their Lordships are of opinion that, under the circumstances of the case, the ordinary ought not to grant a 'faculty' for the crucifix. After referring to another case, the learned Judge referred to '*Phillpotts* v. *Boyd*." As to this he states that the tribunal, in justifying the erection of the Exeter reredos, adhered to the position taken up in the previous case, and pronounced the erection lawful—though it contained many sculptured images—on the ground that it had been set up for the purpose of decoration only, declaring that it was not in danger of being abused, and that it was not suggested that any superstitious reverence has been or is likely to be paid to any of the figures upon it. He then proceeds to consider whether it would be right to conclude that the crucifix in the present case was set up for the purpose of decoration only, whether it is in danger of being abused, and whether it could be suggested that superstitious reverence had been or was likely to be paid to it. He stated that the crucifix as formerly set up in our churches had a special history of its own. He refers to the rood ordinarily found before the Reformation in the parish churches of the country, and which was in fact a crucifix with images at the base, erected on a structure called the rood-loft, traversing the church at the entrance to the chancel, and occupying a position analogous to that which the iron screen does in the present case. . . . And he continues thus, 'It is easy to say, What proof is there of danger of idolatry now? What facts are there to point to the probability of

abuse? But when the Court is dealing with a well-known sacred object, put up by authority in all the churches of England before the Reformation and for the purposes of adoration—when, it is told, that now, after a lapse of 300 years, it is suddenly proposed to set this up again as an architectural ornament only, it is hard not to distrust the uses to which it may come to be put, or escape apprehension that what begins in "decoration" may end in idolatry. If this apprehension is a just and reasonable one then there exists that likelihood of superstitious reverence which the Privy Council in "*Phillpotts* v. *Boyd*" pronounced to be fatal to the lawfulness of all images and figures set up in a church.' In these observations, said Lord Cairns, their Lordships concur, and select them as the grounds of decision which commend themselves to their judgment. They are prepared, therefore, to affirm the decision directing the removal of the crucifix, while they think it important to maintain, as to representations of sacred objects and persons in a church, the liberty established in '*Phillpotts* v. *Boyd*,' subject to the duty of the Ordinary so to exercise his judicial discretion in granting or refusing faculties as to guard against things likely to be abused for purposes of superstition."

Now, at first sight it would seem that this is a distinction drawn in point of law by the highest possible authority—none, I should have supposed, was necessary for drawing it in point of fact and sense—between the Crucifix or the Rood, and sculptured groups representing other scenes either in the history of our Lord, or in that of the Old and New Testaments. But it is insisted that the crucifix in "*Ridsdale* v. *Clifton*," was on a screen, and that it was from the position of it, and from the fact that it was, as it were, the successor or reproduction of a feature in the pre-Reformation churches in this country which had been specially condemned, that Lord Penzance and the Privy Council deduced the probability of its being abused for superstitious purposes and decreed its removal. It is true that the crucifix in that case was on a screen between nave and chancel, and that here it is on a screen which fences off the east end of the cathedral from the choir by about 40 ft.; but I cannot think that the Privy Council intended to insist on this distinction. The rood screen was by no means universal, even in England; in cathedrals, at least since the introduction of organs, I believe it to have been very unusual; in foreign countries also of the Roman obedience, it was, I believe, by no means a common feature; but the holy rood, either Christ on the cross alone or with St. Mary or St. John on either side, was to be found universally, or, if that be too strong a word to be safely used, at least almost universally in some part of every church, either over some altar or elsewhere. Wherever it was, *assuredly it was not a decoration only*, though a decoration it might be, but an object of reverence and devotion; and an architect of the middle ages would have been indeed surprised if he had been told that the Holy Rood was only to be a finial, or a corbel, or a capital, a piece of architectural decoration. No one will doubt this who looks even at so common a book as Viollet le Duc's Dictionary of Architecture or any book on Christian iconography. The rood or the crucifix, wherever placed, has been, and has been intended for, an *Object of worship*—a finial, a corbel, an angel, a bas-relief of the Nativity, the Epiphany, the Last Supper had not. The Privy Council were dealing with a crucifix which, though on a screen,

was 18 in. high, which they ordered to be removed; the figure of our Lord in this case is 5 ft. high, and it is supposed, because it is in another sort of screen, that the Privy Council have actually permitted it; and, further, that to say they have not, is an attempt the sole object of which is to engraft an exception on their judgment in a matter not of grave importance. I must take the freedom to say that it is not only legal minds which in the stress of argument are led to confound things essentially and inherently distinct. If this be not in the ordinary sense of the word a crucifix or rood, and if it be not obviously, at least, liable to abuse, one must distrust the evidence of one's eyes and unlearn all one's history. It may be that an 18 in. crucifix on a screen is more liable to abuse than one 6 ft. or 7 ft. high (I speak of the crucifix) in a screen, but to say that a judgment which forbids the first allows the last as an "architectural decoration" is, to my mind, to pervert the plain meaning of the Judges, and to evade the force of the language by classing under the term "architectural decoration" something to which the term is utterly inapplicable, and has never been applied since Christian history began. Pictures and painted windows are outside the argument. No one ever worshipped a painted window or a picture, unless it were one of those miracle-working paintings which, so far as I have ever seen them, are in a very different sense of the word 'miraculous' indeed. The construction, therefore, placed by the Bishop of London on the case to which he refers as his authority appears to me so entirely mistaken that I must treat any reason founded upon that construction as no reason within the statute. I do not forget the two cases of "*Combe* v. *Edwards*"* (2 L. R., P. and D., 354) and "*Hughes* v. *Edwards*" (2 L. R., P. and D., 361), in both of which, under circumstances very different from the present case, a bas-relief of the Crucifixion and a small movable crucifix were allowed; but I do not refer to them at length because the Bishop does not refer to them; and I am concerned with the law only so far as it enters into the Bishop's reasons. For the same reason I do not refer to "*Durst* v. *Masters*" (1 L. R., P. D., 373), in which, also under very different circumstances, a crucifix was disallowed. There is a matter on which very little has been said, but on which I must add a word. In the second paragraph of the representation complaint is made of the erection of an image of the Blessed Virgin, 5ft. 6in. high, with the Holy Child in her arms. This figure is crowned, and is of the size of life. It is no part of my duty to say a word upon the propriety of the position of this image, still less on the religious questions connected with the office and worship of the Blessed Virgin; but certainly, when one remembers the feelings and controversies of but a few years ago, to find the Bishop of London treating as a matter of no importance whether it is lawful to erect a statue of the Madonna, robed and crowned as Queen of Heaven, Regina Cœli, 5ft. 6in. high, over the altar at the east end of the Metropolitan Cathedral of St. Paul's is a proof, if of nothing else, of the fact that human affairs never continue in one state. I suppose it

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* Because in the case of *Combe* v. *Edwards* "the charge was not made out." [Ed. *C. I.*]

is to be classed with other so-called "architectural decorations," and if so, what I have said upon that subject must be taken to include what I have to say as to this statue. If, however, it were granted to me, as I have no reason to think it would be, that my view of the law as laid down in, or to be collected from, "*Ridsdale* v. *Clifton*" is absolutely correct, it would, as I understand my brother, be replied to me that it made no difference, that we cannot examine the Bishop's reasons; and that if as one of the whole circumstances of the case he has considered the state of the law, *and* (as we think) *has mistaken the law*, it makes no difference. He has considered the case, he has given his reasons *bonâ fide*, and there is an end of the matter. I cannot think this. I admit it is difficult to draw the line in words, but there must be a line. Suppose the Bishop were to give as his reason that the proceedings in this case had not been taken in time because he considered "five years" in the 8th section of the Public Worship Regulation Act really meant three or two, or that, at all events, it was highly inexpedient that anything should be done to touch a building after three years or two, I suppose (I speak with due doubt) that no one would say that a Court of law was bound to treat such statement as any reason at all. If so, I am of opinion that for the Bishop to mistake the meaning of a decision on which he founds his own is a reason for a Court of law setting aside the Bishop's action, not founded on the condition precedent required by Parliament. I have given my reasons for differing from the Bishop's construction, and, right or wrong, I am bound to act upon my opinion and disregard the reasons he has given. Two short observations I desire to make before I conclude. In thus deciding I am not yielding to any feelings or prejudices of my own as to the matter in dispute. Personally I have no objection whatever to the crucifix, nor the least desire to discourage its use, on any grounds outside the law. As a beautiful and touching symbol of the greatest event in the world's history, if the law allowed, I would gladly welcome it. Dr. Arnold has left upon record his wish for its re-introduction. Neither did the great Luther himself object, nor have the churches of the Lutheran confession in any way, for more than three centuries, objected to its public use. In many parts of Protestant Europe a crucifix is to be found in every church. But there it is allowed by law; here, as I think, it is not, and this makes all the difference. For this is my second and last remark. The only great importance, or, at any rate, the great and general importance, of this case to my mind is that if my view be correct, the supremacy of the law will at least be to some extent established over all the subjects of the Queen. I think it very mischievous that in matters which touch the inner life and the sincere religious feelings of men, when, as in matters of ritual, men must either join in what they honestly believe to be false and abject superstition, or cease to attend the services of a church which is, perhaps, endeared to them by a thousand memories and associations, or when they believe, as men do believe, that the practices and the outward forms of a building or of worship are in direct violation of the laws of the church to which they belong, and yet are forced upon them by the will of a single ecclesiastic, I think it in such cases very mischievous that such men when they want honestly to try whether this or that practice is or is

not within the law of their church should be met by the simple will of a Bishop, who tells them that the matter shall not even be discussed, and that, like naughty school-boys, they must learn to obey their spiritual pastors and masters. A dispensing power cannot be safely lodged in hands entirely irresponsible; and to say this is quite consistent with the truest personal respect for those who sometimes, in my opinion, misuse it. The better a man is, the more averse to strife, the holier, the gentler in his own conversation, the more will he be tempted to disregard the law, and, if he has the power, to prevent it being put in force against men of whose goodness and earnestness he is persuaded and whose lives he honours. I recognise this, and, in a sense, I highly respect it. But, as a lawyer, I am before and above all things for the supremacy of law; and it is because I think that the later Act does limit "discretion" to some extent, that I am so anxious not to fritter it away. Under the old law the Bishop had this to say—that he was, in form, a party to the proceedings; that his office was being promoted, and there was some reason, therefore, under the old Church Discipline Act, which dealt with procedure only, why he should still be allowed to say whether he would or would not permit his discipline to be enforced. Under the Public Worship Regulation Act this is not so. The Bishop is not a party to the proceedings, and therefore, unless there is some real reason capable of being clearly stated, the matter should be suffered to go on. And if, in such a case as this, these reasons are to be held sufficient we may as well admit at once that as to all religious observances, although we belong to a Church clothed with dignity and maintained in a magnificent position by the law, our rights are not those which the law gives us, but what a few dignified ecclesiastics may from time to time determine. I am of opinion that this rule should be made absolute.

The result was that the rule for a *mandamus* was made absolute.

Sir H. JAMES said it was agreed on both sides that it would not be necessary to have a formal "return" and pleadings thereto, as the other side could appeal against this order, and so the *mandamus* would formally be issued but delayed while the appeal was pending.

Mr. JEUNE, on the part of the Bishop, assented, and so it was arranged.

Rule absolute for a *mandamus*, subject to appeal.

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A DEFENCE

OF THE

Church Association,

IN REPLY TO

TWO ATTACKS

BY

SYDNEY GEDGE, Esq., M.P.,

SOLICITOR TO THE SCHOOL BOARD,

IN THE

"Churchman" of May and Sept., 1889,

BY

HENRY MILLER,

Secretary.

London:
CHURCH ASSOCIATION, 14, BUCKINGHAM STREET, W.C.
1889.
No. CVI.

The Prosecution

OF

The Bishop of Lincoln.

(*Reprinted from the "Churchman," for June*, 1889.)

BY the courtesy of the Editor of the *Churchman* I am permitted to reply to the attack made in the May number, upon the Association of which I have the honour to be the Secretary. I feel naturally, and with more reason than Mr. Gedge could possibly do, the need of that charitable "allowance for want of literary skill" for which he asks; but I also feel that I have the advantage of possessing an acquaintance with the facts.

Mr. Gedge asserts that every one of the points of ritual involved in the charges against Bishop King teaches doctrines that "are true," and "are part of the faith common to the Bishop and the prosecutors." To make this good he misrepresents the symbolism assigned to the usages in question by the men who employ them, a symbolism which by historical inquiry can be shown to have been for centuries their recognised *raison d'être*. Let us briefly scan his list:

1. *The Two Lights before the Sacrament.*—This rite was initiated by Pope Innocent III., who, at the Council of Lateran,[1] first decreed "transubstantiation"; and the two lights were subsequently introduced into England by the

[1] Migne's "Patrologie," ccxvii. 811.

Papal Legate of the Council at Oxford, A.D. 1222,[1] when the decrees of Lateran were carefully followed. When Cranmer swept away the cultus of the Saints by means of candles burned "before" their images, the doctrine of the "Real" Presence continued, nevertheless, to be taught by means of similar lights burned "before" the consecrated Wafer. In 1536, 1538 and 1539 Royal Injunctions issued directing "no other lights to be used but that before the *Corpus Christi*."[2] So, in 1541, Henry wrote to the Primate: "We, by our injunctions, commanded that no offering or setting of lights or candles should be suffered in any church, but only to the Blessed Sacrament of the Altar.[3] The bloody act of the Six Articles sanctioned by Convocation, which made the denial of transubstantiation a capital offence, remained in full force during the first year of King Edward VI., A.D. 1547. Commissions were issued under that Act,[4] and men were imprisoned under it with a view to their capital punishment during the twelve months which preceded the repeal of that murderous statute in December, 1547. No reform of the Mass either as to its doctrine or ritual had been effected when the Injunctions of King Edward VI., permitting to "remain *still* two lights upon the High Altar before the Sacrament," issued on July 31st, 1547. The wording of those Injunctions, the received doctrine of both Church and State, and the entire service of the Mass, were alike unchanged from what each had been when, but a twelvemonth before, Anne Askew and three others were burned alive for repudiating their combined teaching. Yet these Injunctions of 1547 are the precise ground upon which the legal sanction for "Altar Lights" is rested by Sir R. Phillimore, and by the advocates of the practice. Mr. Gedge surely knows how φῶς and λύχνος stand contrasted in the New Testament. It is, therefore, a complete misconception to assume that lights "before the Sacrament" were ever used to teach an abstract doctrine about the illuminating power of Christ, or of His Spirit, as Mr. Gedge imagines: for, "always, everywhere and by all," they have been employed to teach that within the consecrated host hanging in the pyx, screened in a tabernacle, or lying upon the "altar," prior to reception, and therefore independent of the faith or

[1] Wilkins, i. 595. [2] *Ibid.*, iii. 816, 842, 847.
[3] Strype's Cranmer, i. 211. E. H. S. edit.
[4] Foxe, Act. and Mon., Townsend's edit., v. App., No. xx., and viii. 715.

unbelief of the recipient, the body and blood of Christ are *there* as "the light of the world." Upon that belief depends both the adoration of the Host and the "sacrifice" of the Mass. "Historic continuity" proves that the lights upon the High Altar "before the Sacrament" at Lincoln Cathedral mean now just what the same lights meant when similarly burned prior to the Reformation, viz. that behind them is the Object of worship in honour of whose "Real Presence" they are lit. The Royal Injunctions (or, rather, Visitation Articles) of 1549,[1] and the Injunctions of Ridley,[2] (1550) and Hooper (1551),[3] forbade *nominatim* two of the practices now charged upon the Bishop of Lincoln on the express ground that they were a "counterfeiting of the Popish Mass," and that they were contrary to "the King's Book of Common Prayer," viz. that very First Prayer Book which, though no longer legal, is claimed by Bishop King as the source of the ornaments rubric upon which he bases his published defence. King Edward VI., Ridley, and Hooper are higher authorities as to the recognised symbolism of altar lights, and of singing the *Agnus Dei* before the Host than any which can be produced on the other side. Ridley refused to enter the choir of St. Paul's until the altar lights had been extinguished. Yet, by so doing, he and his colleagues who "lit that candle, which by the grace of God shall never be put out;" assuredly did not mean to deny that Christ is the true Light of the world.

2. *The Agnus Dei.*—Mr. Gedge asks, "Is it possible that any humble Christian should think it wrong to sing 'Lamb of God, that takest away the sins of the world'?" The innocent ingenuity of such an inquiry must not blind us to its entire irrelevancy. Ridley and Hooper thought it *very* "wrong to sing the *Agnus Dei*" in presence of the consecrated wafer as an act of worship addressed to "the Blessed Sacrament." And that is the precise practice which the Church Association are seeking to eradicate, yet which readers of the *Churchman* are invited to condone, or, rather, to vindicate and preserve as being beyond reproach!

3. *The Mixed Chalice.*—Mr. Gedge tells us that "the mixed chalice typifies the water and the blood from Christ's riven side which flowed." But he forgets that that was not a "mixed stream" at all. On the contrary, it was the visible *separation* of the two which the Apostle "saw

[1] Cardwell Doc. Ann. No. xv.
[2] *Ibid.*, No. xxi.
[3] Later Writings of Bp. Hooper, p. 128.

and bare witness" to as a proof of the *completed* death which constituted the "finished" sacrifice for the sins of the whole world, but which the Mass, according to Lincoln Use, seeks to supplement. The "confusion of substance" can be no fit symbol of that *unamalgamated* duality of nature which the Athanasian Creed affirms. "The majesty of Christ's estate hath not extinguished the verity of His manhood," and, therefore, cannot be imaged by the wine in the chalice swallowing up a few drops of that fluid of which the prophet Isaiah (i. 22) spoke disparagingly as being an adulteration. St. Paul uses for the "corruption" of doctrine in 2 Cor. ii. 17, the very word taken from the Septuagint version of the prophecy to which I refer; and the symbolism thus authenticated is both more germane as well as more authoritative than the inconsistent alternative interpretations which Mr. Gedge selects out of half a dozen others equally fantastic and wanton.

4. *The Sign of the Cross.*—Mr. Gedge defends the "reverent use on a solemn occasion" (at the individual choice of the celebrant) of certain aërial crossings. But he forgets that our 34th Article does not permit such liberties to be taken with public worship at the caprice of individuals, and that the burdensome load of superstitious ceremonies complained of in the Preface to the Prayer Book of 1549 arose from acting upon the advice which he now renews.

"Some ceremonies entered into the Church by indiscreet *devotion* and such a *zeal* as was without knowledge; and for because that they were *winked at in the beginning* they grew daily to more and more abuses."

5. *The Eastward Position.*—Mr. Gedge defends this on the ground that, "so far as he had been able to ascertain (*sic*), it is not intended to teach any particular doctrine." It would be of great interest to know what steps Mr. Gedge has taken to "ascertain" this. Did he never read what Dr. Pusey said at St. James's Hall in 1874?

"The standing before the altar means the primitive doctrine of the Eucharistic *sacrifice*, and the bowing after Sarum Use at consecration means Eucharistic *adoration*."

Such was Dr. Pusey's answer to the celebrated letter dated May, 1874, in which Canon Selwyn said:

"It is *notorious* that the position facing eastward is the expression of a belief that the consecrating minister performs a *sacrificial* act; by it is signified and expressed the solemn *oblation* and *sacrificial presentation* made by the celebrant after the example of Christ."

Mr. Gedge thinks that "the nearer anyone is to believing

in the Real Presence, the more anxious he should be that the bread and wine be seen." But if he would turn to such old-fashioned High Churchmen as L'Estrange, Wheatly, and Nicholls, he would find that long before Ritualism was invented, the opposite doctrine was everywhere recognised. Professor J. J. Blunt (no fanatical Puritan) wrote of the rubric:

"This done, he returns to the north side and breaks the bread, and takes the cup before the people, *i.e.* in their sight, the Church not wishing to make the manner of consecration—as the Romish priest does—a mystery. Thus the former position was merely taken up in order to the subsequent act, that the priest 'may, with the more readiness and decency, break the bread.' So that they mistake this rubric altogether, I apprehend, and violate both its letter and spirit, who consecrate the elements with their back to the people, after the manner of the Church of Rome."[1]

The actual experience of Christendom is at variance with Mr. Gedge's *à priori* reasonings about what "*should* be;" and (what may strike him as of more importance) he is not consistent with himself. For in the same breath he quotes Bishop Ken: "When at Thine altar I *see* the bread broken and the wine poured out, oh, teach me," etc.; and yet asks: "What devout communicant lifts his eyes from his Prayer Book to see the act of breaking the bread or lifting the cup from the Table?"

The answer to that would require much time to complete the needful enumeration. To begin with, unless the Apostles had so done, we should have lost the voucher of those who "bare record" as to the not utterly trivial acts which the Master bade them "do in remembrance of Him," and a knowledge of which was granted to St. Paul by express revelation. How could such acts conduce to His "remembrance" if the disciples were so "devout" as to be gazing fixedly all the time at their Psalters, from which (*after* the consumption of the consecrated viands) they "sang an hymn"? The compilers of our Liturgy were so far from regarding that manual as the *Kiblah*, that they prescribed "decency" in the performance of the manual acts "before the people"; and "decency" in outward acts necessarily has reference to the spectators. Cosin urged that the breaking of the bread is a "*needful* circumstance belonging to this Sacrament." Wren arranged the pews so that "the people would the better hear and *see*

1 "Parish Priest," 6th edit., p. 333.

what the minister said and *did* in his administration."[1] The Welsh Prayer Book, authorized by Convocation and by the Act of Uniformity, provided for the manual acts being done "in the sight of the people."[2] Bishop Gauden, one of the anti-Puritan divines at the Savoy, published a devotional work, "The Whole Duty of a Communicant," which received the imprimatur of Archbishop Sancroft who acted as secretary at every state of the revision of the Prayer Book in 1661. In this work occurs the following direction:

> At the time of the consecration *fix your eye upon the elements* and at the actions of the minister. . . . we ought joyfully to meditate after this manner, etc.

Bishop Gunning, another of the Revisers, required his church-wardens to certify as to the due performance of these manual acts, which they could hardly be required to do if no devout person might "lift his eyes from his Prayer Book" in the manner eschewed by Mr. Sydney Gedge. Beveridge, Ken, Wilson, Horneck, Kidder, and many other devotional writers on Holy Communion, appeal to the sense of sight (*visibile signum*) as designed by our Lord to enkindle gratitude. A sacrificial feast was never "partaken" with closed eyes; and the early Christians regarded "the spiritual Divine table as a memorial of that first and ever memorable table of the spiritual Divine Supper." What right, then, has either the "devout" Mr. Gedge or Bishop King to rob the people of this Divine provision for their benefit? For as Archdeacon Yardley, who wrote in 1728, observes, respecting the Prayer of Consecration, the English celebrant

> "doth not stand before the altar as the Romish priests do, nor, like them, pronounce the words in a low voice, to countenance their pretended miracle of transubstantiation, and to make the people gaze with wonder on those who are thought to perform it in that secret manner, but the priest in the Church of England says the prayer with an audible voice, as in the Primitive Church, that the people may hear and join with him, and stands so as he may with readiness and decency break the bread before the people, and take the cup into his hands; that they may *observe and meditate upon those actions which are significant* and proper to this rite."[3]

6. *Rinsing and Ablution.*—That the officiating clergyman should ostentatiously drink the rinsings of the chalice and of

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[1] "Parentalia," p. 78. [2] Perry's "Report of the Folkestone Case," p. 501.
[3] "Rational Communicant," p. 96.

his own fingers (over which water is poured, lest a crumb or drop of the deified "substance" should adhere to them), Mr. Gedge regards as a proof of great carefulness in "obeying the direction" of the rubric to consume "reverently"! What Mr. Gedge as matter of taste, calls "reverent," the Primate of the Northern Province more justly characterized as "disgusting." And, be it remembered, there is no "limited liability" in public acts of an idolatrous nature. "Oratio communis fit per ministros ecclesiæ *in personam* totius populi," says Lyndwood. "He that biddeth him God-speed is partaker of his evil deeds," says St. John (cf. 1 Tim. v. 22). We do not go to church to "fix our eyes upon our Prayer Books" or to say our "closet" prayers, but to join in a common act of public worship, of which the minister is but the mouthpiece, and for which every layman has his own individual share of responsibility.

Leaving the details of ritual observance, Mr. Gedge next assures us that Bishop King merely holds that "the Christian ministry came from above;" and that Viscount Halifax "expressly *limits* (*sic*) the presence of Christ to the heart of the believer." Such rash and inaccurate statements ought not to be published, and Mr. Gedge incurs grave responsibility by making them. Pope Leo and Cardinal Manning both teach that Christ is "present in the heart," and that "the Christian ministry is from above." But neither the Bishop of Rome nor the Bishop of Lincoln will adopt Mr. Gedge's further denial that it is Christ present in the bread and wine who is the Light of the world, to whom the *Agnus Dei* is to be addressed as being on the "altar," and who is offered up at each mass by the sacrificing priest. Neither of those divines will repudiate as a

"soul-destroying superstition that the priest who can work this miracle is a mediator between man and God, between the sinner and his Saviour, a vicar of Christ, who has power to forgive the sins of a confessing penitent."

Yet those are Mr. Gedge's own words, selected by him to bring to a definite issue the whole matter. I unreservedly accept that challenge. I say that Mr. Gedge's representation of the teaching of Viscount Halifax and of Bishop King is a complete and entire misrepresentation of their well-known and repeatedly published public utterances and teaching. That is a plain and definite issue of fact. Space will not permit me now to copy out the evidence on this matter.

Suffice it to say, that for one penny the readers of the *Churchman* may see *pages* of such evidence collected by Mr. Hanchard in his "Sketch of the Life of Bishop King" (Kensit). I have examined his references, and take the responsibility of saying that they are entirely trustworthy. As to the President of the E.C.U., the single extract given in our Annual Report just published, may suffice.

What is it, then, which we are now fighting about? It is as to the truth or falsehood of such doctrines as these:

1st. That Christ is continuously offering in heaven a propitiatory sacrifice for sin.

2nd. That this imaginary sin-offering is represented on earth at each mass.

3rd. That this mass-offering is applicable to the sins of the dead, the absent, and even to the benefit of the animal and vegetable creation.

4th. That the priest is not a mere "ambassador *for* Christ," but an ambassador *to* Christ, mediating authoritatively on behalf of sinners.

5th. That the Divinely revealed and *ordinary* channel for the remission of post-baptismal sin is sacramental confession, and absolution granted judicially by a priest sitting *pro tribunali*.

6th. That Christ has given to bishops *only* a power of jurisdiction indefeasible by Nations, Kings, and Parliaments, and also a power of legislation which mere laymen have no right to share—except casually and on sufferance. *Durante beneplacito:* by the permission of the Successors of the Apostles.

Such doctrines, I say, are now taught in theological colleges, approved by examining chaplains, and adopted by a steadily increasing majority of the clergy without any active remonstrance, so far as is known, by Mr. Gedge and those friends of "position, influence, and reputation" whom he modestly forbears to particularize. Mr. Gedge says that, "by arguments and exhortation," the truth should be maintained. So say we; but we have not been content with "prave 'orts," but have *done* something in the way of "teaching," and "argument." We can point, for instance, to a long list of publications which, at least, attempt to deal with the errors which Mr. Gedge says should be "resisted unto blood," but which, so far as the world is permitted to know, his friends give not the smallest evidence that they understand or even recognise. Mr. Gedge has set an "example" of candour, and I desire to come behind in no gift. At every crisis in which "Zion in her anguish with Babylon must cope," Mr. Gedge has hitherto been found a consistent supporter of compromise with error as being the only means of averting disestablishment. If it be true, however, that hostile "Counter-associations" to the Church

Association, including "nearly every man of position, influence, or reputation among evangelical men," have been secretly formed all over England, I will ask Mr. Gedge to tell us what *one* thing they have done to manifest their intelligent acquaintance with the very existence among us of the six root heresies I have above enumerated. Where is their "teaching," their "argument," their "exhortation"? Surely they should not continue any longer to hide the light which (Mr. Gedge says, and we have only his word for it) is in them. On his own chosen ground of "argument and exhortation," then, the C. A. is "in evidence," and Mr. Gedge's "Counter-associations" are not.

I would further point out to him that an Established Church, as such, is a mundane institution, and that the perversion of its endowments, and the violation of money contracts, and the abuse of the "veto" created by statutes, and the "freehold" tenure of parochial, diocesan, and territorial rights and immunities cannot be dealt with by the mere force of "example," or by the influence, however great, of the tract distributor. Legislation is needed, and still more the *enforcement* of good and wise laws, which are now being deliberately broken with a high hand by men who (like the Pharisee in the parable) proclaim themselves to be, in some distinctive sense, "holy men." Surely something more than "argument" is here needed: "These things ought ye to have done, and *not to leave the other undone*."

We are told that by our action we "have established the use of the surplice in the pulpit." Now since the dress of the preacher has never been made the subject of litigation, or of a judicial decision, this alleged fact would, on the Gedgian system of "reasoning," go to show that it was the *absence* of "persecution" which had caused the change. That does not help Mr. Gedge's contention very much. And the five years which have been absolutely free from any "prosecutions" of ours (and during which Mr. Sydney Gedge was, *ex hypothesi*, "resisting unto blood") have been remarkable for the unprecedentedly steady and rapid increase of Romish teaching and organization, and of ritual illegalities, within the Established Church. But we are told that we have "obtained from the highest courts the declaration that it is lawful to affirm" Mr. Bennett's doctrines. Surely that is an extraordinary statement for a lawyer to make. Everybody remembers that Mr. Bennett's judge was the brother-in-law of Archdeacon Denison, and

that his "judgment" was in substance the very same Catena (compiled for Denison's defence) which had been proved twenty years before, by Dean Goode,[1] to consist of downright misquotations. Also that this advocate-judge succeeded in, striking out (on technical grounds) from the articles of charge the "reception by the wicked," for which our 29th Article had been devised (like *theotokos*, or *homo-ousion*) as the touchstone of (eucharistic) heresy. Lastly, that Mr. Gladstone pitchforked two brand-new judges (one of whom had never before sat as a judge) into the Court of Appeal within a week of the trial, a circumstance to which the *Church Times* of April 21, 1876, attributes the acquittal of Mr. Bennett.

With these facts before him, a gentleman who professes Evangelical principles thinks it candid and fair to assert that an offence acquitted only *in personam* in a given case was thereby judicially pronounced to be "established as lawful." A verdict of "Not Proven" means the pronouncing "lawful" everything *charged* against the person acquitted! As though one murderer acquitted proved the "lawfulness" of murder! I submit that Mr. Gedge's representation of the Bennett judgment is unfair in spirit even more than in the letter; and I ask my readers to compare with it the actual judgment itself, from which the following extracts are taken:

The Real Presence.—The Church of England holds and teaches affirmatively that in the Lord's Supper the Body and Blood of Christ are given to, taken, and received by the faithful communicant. She implies, therefore, to that extent a presence of Christ in the ordinance to the soul of the worthy recipient. As to the mode of this presence she affirms nothing, except that the Body of Christ is "given, taken, and eaten in the Supper *only* after an heavenly and spiritual manner," and that "the means whereby the Body of Christ is received and eaten is faith." Any other presence than this—any presence which is not a presence to the soul of the faithful receiver—the Church does not by her Articles and Formularies affirm or require her ministers to accept. This cannot be stated too plainly.

The Church of England by the statement in the 28th Article of Religion that the body of Christ is given, taken, and eaten in the Lord's Supper, only after a heavenly and spiritual manner, excludes undoubtedly any manner of giving, taking, or receiving, which is not heavenly or spiritual.

Sacrifice.—The Church of England does not by her Articles or Formularies teach or affirm the doctrine maintained by the respondent, That she has *deliberately ceased to do so* would appear clearly from a comparison of the present Communion Office with that of King

[1] "Nature of Christ's Presence," pp. 829, 779, 871, 768, 869, 889.

Edward's first book, and of this again with the Canon of the Mass in the Sarum Missal. It was no longer to be an altar of sacrifice, but merely a table at which the communicants were to partake of the Lord's Supper.

It is not lawful for a clergyman to teach that the sacrifice or offering of Christ upon the cross, or the redemption, propitiation, or satisfaction wrought by it, is or can be repeated in the ordinance of the Lord's Supper; nor that in that ordinance there is or can be any sacrifice or offering of Christ which is efficacious in the sense in which Christ's death is efficacious to procure the remission of the guilt or punishment of sins.

But the point on which I desire to grapple with Mr. Sydney Gedge is the assumption that

The illegality of these additional ceremonies being admitted, those who break the law should be punished. Possibly; but it is not your business to put the law in force for that purpose. There are high officers in the Church, and if they do not their duty, your conscience is not burthened.

That is, that bishops should be not only fatherly advisers and patrons, but informers and prosecutors, as well as "personal" judges! Mr. Gedge must pardon us if we cannot accept him as the arbiter of our consciences. To us it seems the clear duty of every member of the Church, "in his vocation and ministry," to resist each and every attempt to pervert the endowments of an Established Church to the systematic propagation of Popery. Whether Mr. Gedge approves or not, the law has assigned to "aggrieved parishioners" the duty and the power of "putting the law in force." Still, though not a "man of position, reputation, or influence," the "aggrieved" has something to say for himself. He may point out that it was at their own request (though at our expense) that the bishops had the law ascertained for them. Whereupon, they have "with one consent begun to make excuse" for not keeping a promise made *in verbo sarcerdotii* by the Primate of England, viz. that when once the law was made clear, they would not be wanting on their parts as the Ordinary administrators of that law. With twenty recorded vetoes staring him in the face, even Mr. Gedge will hardly pretend that the bishops have kept that promise. Such, then, being the facts, we may consider Mr. Gedge's theory either from a political (or constitutional) standpoint, or from a purely ecclesiastical one.

On the civil side, we have to remember that England is neither a Despotism nor an Oligarchy, but that every citizen shares in the legislative powers of the State. And with power comes its inseparable correlative, *responsibility*.

On the ecclesiastical side, all "Evangelicals" who deserve the name are witnesses for the right of the "Church," as distinguished from the clergy, to take an active part in the government of its own affairs. They call to mind that whereas the heresies which desolated the Church emanated from ecclesiastics who were reputed "men of great learning and piety," the defence of the Catholic faith rested again and again with the laity or with mere deacons like Athanasius.

I know that Mr. Gedge won't heed anything that I say, but perhaps he will listen to the Rev. John Henry Newman, who, as the acknowledged leader of the Bishop of Lincoln's school, said:

> The Episcopate, whose action was so prompt and concordant at Nicæa, on the rise of Arianism, did not, as a class or order of men, play a good part in the troubles consequent upon the Council; and the laity did. The Catholic people, in the length and breadth of Christendom, were the obstinate champions of Catholic truth, and the bishops were not. This is a very remarkable fact, but there is a moral in it. Perhaps it was permitted, in order to impress upon the Church—at that very time passing out of her state of persecution to her long temporal ascendancy—the great Evangelical lesson, that not the wise and powerful, but the obscure, the unlearned, and the weak constitute her real strength. It was mainly by the faithful people that paganism was overthrown; it was by the faithful people, under the lead of Athanasius and the Egyptian bishops, and in some places supported by their bishops or priests, that the worst of heresies was withstood and stamped out of the sacred territory.[1]

The laity have, then, it may be, some little share of common-sense, of learning, and of that inspiration for which we pray in the opening collect of the Communion Office. If anybody could persuade us otherwise, it would be Mr. Sydney Gedge. But with the four Gospels in our hands, and the teaching of Church history to guide us, I for one cannot doubt that the laity are the "Ecclesia" of the LXX. and of the N.T., and that the "Voice of the Church" (so often talked *about*, but so seldom "heard") is to be sought ultimately in the enlightened conscience of the educated Christian laity, guided by that Holy Spirit whose gifts are promised even to "secular" persons, and whose aid now, as of old, will not be wanting to the prayers of His faithful people.

HENRY MILLER,
Secretary, Church Association.

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[1] Newman's "Arians," p. 445.

A REPLY TO

MR. GEDGE'S "REJOINDER."

(*Reprinted from the "Church Intelligencer," for October*, 1889.)

THE following article, in reply to Mr. Gedge's further attack upon the Church Association (which appeared in the *Churchman* for September), was refused insertion by the editor of that magazine before he had seen it.

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I am glad that Mr. Gedge has taken so much time to elaborate his reply to my criticism of his unexpected attack. One may feel quite sure that after three months of deliberation nothing has been omitted which the advice of friends, or the experience of a professional advocate could suggest. And the Rejoinder (though desultory, incoherent, and often irrelevant), is valuable as showing what constitutes the real weakness of certain "Evangelicals," and as throwing light upon the obscure causes of that prejudice with which these persons regard the action of the Church Association.

Richard Baxter used to say, "Nobody trusts to common sense to make a pair of shoes." The wisdom of that aphorism is far-reaching. It is just because Mr. Gedge trusted to uninformed "common sense" for elaborating a theory which had no relation whatever to "the symbolism assigned to the usages *by the men who employ them*" (CHURCHMAN, p. 505), that he was led to the (false) assertion that the doctrines involved "are true," and "are part of the faith common to the Bishop and the prosecutors" (p. 454). Whereas, in sad and sober earnest, the doctrines symbolized and *intended to be* symbolized are absolutely false and mischievous, and are denied even by Mr. Gedge.

Mr. Gedge says in explanation, though Mr. Miller "does show that I am not so well acquainted as he is with the recondite meaning of some of the outward actions which form the subject of the prosecution" (p. 572), yet that Mr. Gedge's "very ignorance of the recondite meaning so plain to Mr. Miller" qualifies him the better to conduct "a practical investigation into the effect in the 19th century of these ritual practices upon the minds of 'men in the street' who have not had occasion to make

themselves professionally acquainted with ecclesiastical lore" (p. 665). He complains that "Mr. Miller . . . enters into an historical inquiry to show that three hundred years ago other doctrines, not true, were also symbolized."

"Three hundred years ago" takes us back to the compilation of the Book of Common Prayer, and to the struggle of the Reformation period to throw off the eucharistic superstitions of Rome. Was it unreasonable to recur to that period when proposing to examine the meaning of the reformed ritual which dates from and embodies the result of that struggle? Has Mr. Gedge forgotten that the Tractarian 'revival' was not the introduction of any new doctrine of "the 19th century," but was essentially a reproduction of pre-Reformation beliefs? The ritual of the Bp. of Lincoln is professedly based upon an Ornaments-Rubric of 'three hundred years ago,' about which the 'man in the street' knows no more than Baxter's amateur shoemaker did of the details of an unfamiliar craft. The revival of mediæval doctrine notoriously preceded and gave rise to the restoration of Romish ritual. Dean Goode, Dr. Vaughan, Mr. Dimock, and Dr. Blakeney have shown not merely that the teaching common to Dr. Pusey, Archdeacon Denison, and Bishops Forbes, Hamilton, and King is identical with that of Harding and Gardiner, but that every one of the arguments put forward by the later theologians has been borrowed from the Anglo-Roman controversialists of "three hundred years ago." The so-called "spiritual" presence within the wafer was taught as strenuously by Bp. Gardiner as by Dr. Pusey; and the only point of disagreement between them is as to the purely metaphysical question whether the unknown and unknowable 'substance' of bread and wine continues to exist *together with* the miraculously reproduced 'substance' of the body and blood of Christ, which (as both these theologians "have received for to hold") is present "under the forms of bread and wine" when reserved for worship in a tabernacle, or carried about in a procession, or eaten by unbelievers.

Such being the case, Mr. Gedge's proposal to rely upon the instincts or first impressions of the "man in the street" in determining the meaning of professedly "historic" revivals (from the most debased and corrupt period of our Church history) is less wise than Mr. Gedge appears to think it.

The doubtful result of such an appeal derives illustration from a letter published in the *City Press* last year by the Churchwardens of St. Ethelburga's. These "ordinary people" of the "nineteenth century" said,

"To fancy, as you do, that two yellow artificial flames smoking in the face of the sun, can be any fitting emblem of the Sun of Righteousness, or that their entire and complete separation typifies the unity of His person, only shows what folly Ritualists are capable of. That the candlesticks 'stand before the God of the whole earth,' in Rev. xi.-4, you explain to mean that He is 'really and truly present in the Sacrament of the Altar'—that is, your lights are thus burned to show that God is inside the wafer, and behind these burning wicks, to receive the adoration of all worshippers of the 'Host.' Pardon us if we say it would be idle to reason with a person capable of such superstition. The scandal of seeing the immense revenues of this church diverted for your private maintenance as a non-working absentee for eleven years is, if possible, intensified by your gravely propounding in the name of religion such old wives' fables about 'altars' and candlesticks, the beggarly substitutes of Rome for a hidden Gospel, of which we admit an artificially darkened church, and a deliberate preference of artificial light to sunshine, is no inapt symbol."

That I confess seems to me a more reasonable and natural inference to draw than the one which Mr. Gedge has imagined; and it actually occurred within the region of fact, whereas Mr. Gedge's "practical" investigation belongs to cloudland. The verdict upon the "six points" of ritualism which would probably be given by any untutored 'man in the street,' if after reading his New Testament he were present at a Ritualistic High Mass, would not be very different from the summary in the last Annual Report of the Church Association, viz.:

"Artificial light, and artificial smoke, and embroidered dresses, and muttered words, and artificial mystery having for its object to hide from the worshippers the exceeding simplicity of the 'unleavened' bread or 'watered' wine which they are taught to salute as the 'Lamb of God,' taking away (*pro tem.*) 'the sins of the world,' viz. from mass to mass! The 'Six Points' of ritual, by the confession of friend and foe alike, mean just this. The 'altar-lights' were brought in with the doctrine of transubstantiation, and were burned 'before the Sacrament' to show that IT is the 'light of the world.' Hence when the Wafer was carried about, the lights preceded 'IT;' when the Wafer was removed from the 'altar,' the light was put out. So, too, with the 'Eastward position.' The mediatorial office of the 'sacrificer' made it necessary for him to 'go-between' his clients and the God whom he sought to appease on their behalf. Turning his face to IT, he necessarily turned his back on the Church which he was teaching by an 'object-lesson' to worship 'IT.' The 'Agnus Dei' was a direct act of adoration to 'IT.' The fumes of the censer enveloped 'IT' with artificial 'clouds and darkness.' And so with the rest."

But Mr. Gedge extends his appeal from 'Philip sober' into the region of doctrine as well as into that of ritual. I referred him to ample documentary proof that both Bishop King and Viscount Halifax had publicly professed and avowed their belief of the very doctrines which Mr. Gedge says should be "resisted unto blood." Mr. Gedge avows that he has not read, and apparently he does not want to read any such inconvenient revelations. He says he does not

"pretend to be acquainted with all their speeches and writings. If Bp. King does teach the six doctrines set out in Mr. Miller's pamphlet, he teaches what I believe to be false."

What Mr. Gedge 'believes' is immaterial to the question under discussion; but what Bp. King publicly teaches is of vital importance as regards the ritual in which that teaching is embodied. And when I offered to Mr. Gedge a catena carefully collected from Bp. King's published writings, it is not even decent to proclaim that he 'does not pretend to be acquainted with' the evidence pertinent to a grave inquiry initiated by himself. Viscount Halifax has promptly repudiated the defence extemporized for him: though Mr. Gedge (remembering perhaps Mr. Weller senior's confidence in a "hallibi") endeavoured to procure an acquittal for his client on the ground that in ritual symbolism we have nothing to do with "three hundred years ago." After thanking Mr. Gedge for his "very generous article," Lord Halifax added,

"Everyone knows that these observances are attacked on account of *their connexion with doctrine, because they symbolize the identity in all essentials of our present Communion office in English with the old Communion office* of the English Church as it used to be said in Latin, and that they cannot be condemned by a competent spiritual authority without to that extent at least, and in popular estimation, affecting *the claim of our present Eucharistic office to be what the First Prayer Book of Edward VI. calls it, The Mass in English.* The attack is on ritual, but the object struck at is the doctrine of the Real Presence and the Eucharistic sacrifice."

He instructs his apologist, as a merely 'secular' lawyer, that "The old constitutions,—that Mass shall not be said without two or at least one Light—are part of the old UNREPEALED Canon Law." And with remorseless logic, pushing home to the heart of the Erastian position, he contends—

"If the Church of England so separated herself from *the past in the sixteenth century*, that the presumption is against her having retained anything belonging to that past except what is specifically mentioned

in some *existing formulary* or rubric, then I would ask what claim has she to be the old Church of England at all? What right has she, except a Parliamentary one, to her endowments?"[1]

In his first article Mr. Gedge asserted that Lord Halifax "expressly *limits* the presence of Christ to the heart" in a sentence which, on the contrary, 'expressly' contrasted and distinguished between the temporary and transient "coming to us *under the forms of bread and wine*" and so "giving Himself to us *on the altars* of His church" (which is supposed to happen at the precise moment when the so-called "words of consecration" are pronounced, and the sacring bell is rung), with the totally different and *subsequent* fact of a "*continued* presence in the heart of his people" which the Church of Rome has always taught, and still teaches. Surely Mr. Gedge must have read in his time (though a busy attorney may be excused for forgetting much which does not immediately concern himself, and which he therefore describes as 'recondite,'—yet, since even Punch dealt with it, this 'lore' must have come at some time or other within his ken—) how Keble wrote

"There present in the heart
Not in the hands."

and how the

"Dying swan by geese beset"

subsequently changed this into

"There present in the heart
As in the hands"

in order to express Viscount Halifax's Romish belief as to a "presence *on* the altar *under the forms* of bread and wine." Had Mr. Gedge remembered this, it would have saved him from joining the "man in the street" in mistaking for an "express limitation of the presence to the heart," that isolated sentence quoted by him from Lord Halifax (p. 456).

The extract from our Annual Report which I pressed (in vain) upon Mr. Gedge's attention shows that Viscount Halifax abhors and repudiates as heretical any attempt to "limit the presence of Christ to the heart." Speaking of masses for the dead, the President of the E.C.U. said

"Are we anxious to make an offering for *others besides ourselves?* No single Eucharist can be celebrated anywhere without affecting the well-being of the whole Church, since it is the offering of the merits of Him who died not for a favoured few but for all.

[1] *Church Times*, p. 589, June 28th, 1889.

"Do we desire to make atonement for past sin? Here we may offer before the Father the blood of the Victim whose death has made a perfect expiation for the sins of the whole world.

"Are we troubled about those who in the shadow of death are *awaiting the judgment?* The blood of the Sacrifice reaches down to the prisoners of hope, and the dead as they are made to possess their old sins in the darkness of the grave, thank us as we offer *for them* the Sacrifice which *restores to light and immortality.*" ("*The Priesthood of the Laity.*" *A paper read by the Hon. C. L. Wood, President of the English Church Union, at the* 18*th Anniversary of the C.B.S.*, 1880).

I select that passage because it explains why Mr. Gedge omitted the pertinent words "given to us" from his inaccurate quotation of the Catechism-definition of a sacrament (p. 456).*

Mr. Gedge says "What I asserted was that the doctrines now symbolised were, so far as I could ascertain, so and so, and that these doctrines were true." The words "so far as I could ascertain" are the key of the position. They mean so far as a 'man in the street' who refuses to read the evidence when put before him, 'could' ascertain. I showed by the direct testimony of Dr. Pusey on the one hand, and of Canon Selwyn on the other, that the 'Eastward Position' meant

1. Priestly mediation.
2. Adoration before the Host.
3. Sacrifice.

Mr. Gedge replies,—But I, and the 'man in the street' don't know this, and we don't want to know it. Mr. Gedge, however, professes acquaintance with the troubles of the C. M. S., with their Ritualistic vice-president, the Bp. of Colombo. If so, he can hardly be ignorant how that 'successor of the Apostles' insists that

"'The eastward position is of the highest value as an exponent of *doctrine*.' And again, in another letter to the C. M. S.—'Since there is danger that this aspect of the rite,—its sacrificial aspect,—should be forgotten among us, the outward rite which *most clearly symbolizes* it seems to be in itself desirable.'"†

How comes it then that under such guidance, Mr. Gedge still brings himself to assert (p. 454) that "so far as he has been able to ascertain it is *not intended* to teach any particular doctrine."

Is it not passing strange that Mr. Gedge should seriously

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* *See* "The Misprinted Catechism," published by J. F. Shaw & Co. Price One Penny.

† Proceedings of the Church Missionary Society, 1878-9, pp. 196, 199.

set up as a standard to be accepted by others his own carefully preserved ignorance of what Bp. King, and Viscount Halifax have actually taught, his own admitted ignorance of what the inculpated ritual was devised to express much more than "three hundred years ago," and his own alleged ignorance of "any particular doctrine involved in the Eastward Position" restricted as that position is now-a-days to the neighbourhood of the 'altar,' and independent as it is of any 'cumulative,' or 'combined' grouping with other rites for its heretical associations?

Mr. Gedge says: "The object of the prosecution is stated by Mr. Miller himself to be to establish the falsehood of six doctrines which he specifies." That is not so. The Mass ritual relates primarily to the supposed reproduction of the Object of worship within certain pieces of consecrated matter: the eastward position, lights "before the sacrament," censing the host, and "ablutions," each relates primarily to this which is *not* one of the "six" doctrines enumerated. The question of "idolatry" in the Mass turns also upon this point, as Bishops Andrewes, Taylor, Stillingfleet, and other 'Anglo-Catholics' long ago demonstrated; yet that also was not among the "six." And the readers of the *Churchman* will see, on turning back to page 510, that in that part of my article which mentions the "six," I had avowedly "*left* the details of ritual observance," and had gone on to discuss the importance of the issues at stake between rival parties in the Established Church, without reference to ritual.

Moreover, so far from imagining that litigation can test the 'falsehood' of any doctrine, I have publicly and recently repudiated that very belief. In the *Record* of January 25, 1889, I adopted the language of our official organ, the CHURCH INTELLIGENCER—

"Litigation in courts does not relate to, and cannot possibly determine the nature and limits of revealed and supernatural truth; but relates solely to the administration of justice between man and man, to the fulfilment of contracts, and to the interpretation of humanly devised formularies intended to fix and safeguard the common agreement entered into by the members of the same Society; it is monstrous, therefore, that persons in holy orders should claim a monopoly of insight to the exclusion of 'secular' persons who possess legal training, and a habit of impartial employment of that moral reason with which the common Father has endowed 'secular' persons not less than professional and stipendiary theologians. Human courts administering human law by the application of human experience to human needs, are the *only possible* tribunals to which, in this life, Christians can

resort to obtain redress; and the very claim to exemption on the part of one order of men proves their own exceptional unfitness for such duties."

Mr. Gedge's mind seems to be in a fog on this subject. He quotes an anonymous correspondent of the *Record*—"No body of earnest men, strongly imbued with what seem to them vital principles, can ever be put down by external force; partly also, because their spiritual instinct rebels against the authority of secular courts in matters spiritual." Mr. Gedge calls this (p. 667) 'a respectable objection,' but adds—

"Before accepting the last paragraph I must have a definition of the word 'spiritual.' The Ritualist would perhaps define it by 'clerical.' To my mind converted men, lay or cleric, are spiritual; unconverted men, though ordained or even consecrated, are not. The rest of the paragraph fairly represents my own views."

With this proviso, then, it seems we are to understand that Mr. Gedge's "spiritual instinct" rebels against the authority of "secular courts in matters spiritual"; and the same pneumatic Psychè insists upon every such trial being conducted by converted men. So far good: but then, who is to be judge of the conversion of these ideal Judges? Mr. Gedge and the "man in the street" may deem themselves sufficient for these things; but, meantime, don't let them impute to us the absurd notion that Ritualists are to be "put down by force." Like Buddhists and Papists, the Ritualists ought to be absolutely free to worship their God in any way which their individual conscience may prescribe. Nevertheless, the endowments and freeholds of an established Protestant Church are to be protected by "secular" law from any fraudulent appropriation by Ritualists, such as is now going on wholesale by the connivance of the bishops. We say—

"If the Church of England may permit the teaching of *diametrically opposed* beliefs as to the Object of worship, the means of Atonement, and the *divinely appointed* channel for the 'remission of sins,' how long will the Nation think it decent to preserve a system so immoral?"

To that question Mr. Gedge should address himself, if he has anything pertinent to say.

Instead of doing this, Mr. Gedge tries to excite odium by making the C.A. responsible for anything and everything which he dislikes in the correspondence columns of the *English Churchman*, a paper over which

we have no more control than over the *Churchman* itself. I challenged his original statement that "counter Associations had been formed all over England" and asked, Where are they? What have they done? In reply, he assumes that the phrase "Mr. Gedge and his friends" means all "those evangelicals who have not joined the C.A.," and boasts "We have doubled the income and work of the C.M.S.," "We have also founded the two theological halls"—Wycliffe and Ridley. As a fact, I find in the printed list of subscribers to the Theological Halls, issued in 1880, just four years after the project was started, that as regards the amount contributed, and the number and weight of names, the Church Association men are well to the front. Such comparisons are in questionable taste, but it is due to our friends that Mr. Gedge's mis-statements should not pass without correction. Even had it been otherwise, it would have been a veritable "building the sepulchres of the Prophets" to invoke in apology for illegal ritual the name of Ridley, who himself transposed the *Agnus Dei* in order to prevent any ritual adoration of the newly consecrated host, and who himself condemned the ritual practices of "three hundred years ago," now revived by Bp. King, as a "counterfeiting of the Popish Mass."

The proposal to take every one who has not joined the C.A. to be an honorary member of an imaginary "counter association," betrays a loose method of dealing with facts. It would be just as permissible to say that every Conservative who has not joined the Primrose League has "formed counter-associations all over England." None of the institutions named by Mr. Gedge is, or professes to be, a "counter-association to the C.A.", which was the thing to be proved. None of them have the Ritualistic or Roman controversy for their primary object. None of them come, therefore, within the legitimate scope of the present discussion.

The Church Missionary Society controversy I do not profess to understand, and it would be impertinent in me to enter upon it. I can only testify that the subject has never been so much as mooted in the council chamber of the Church Association, and that its members, as such, have no policy whatever as respects the administration of the C.M.S. The statement of Mr. Gedge that any "leading members of the C.A." have ever attempted to "break up the C.M.S." is, to say the least, a complete misapprehension.

The C.M.S. has no warmer friends than the members of the Church Association.

As to the surplice being exclusively the legal dress of the preacher, Mr. Gedge suggests—

"An attempt has been made to get out of this decision by those Church Association men who do not like it, by a contention that preaching is not a ministration; but they very wisely abstained from submitting this question to the decision of a court of law."

Does he mean that we might have prosecuted our own members for complying with what we ourselves believe to be perfectly legal? The late Dean McNeile and the late Canon James Bardsley publicly challenged a prosecution, and promised not to interpose any legal obstacles such as those behind which Mr. Bennett and Archdeacon Denison carefully sheltered themselves; but beyond publishing that challenge to all whom it might concern, we assuredly had no duty in this matter. The distinction between 'ministration' and preaching had been demonstrated both on legal and historical grounds by Archdeacon Harrison and by Canon Robertson, the historian, long before the Church Association was heard of. In the last century the same distinction in law was recognised by Archdeacon Sharp. These writers were of the very first rank as authorities, and not one of them was a 'Low' Churchman. If, as seems probable, Mr. Gedge knows nothing of these the most copious and learned writers on the subject, he might, nevertheless, as a practising attorney have been expected to recognise that no court *could* possibly decide a question which was not before it, as to which no argument was addressed to it, and which was in no way included in the articles of charge against the defendant. Anyhow, the distinction between preaching and 'ministration' is recognised by the Brawling Act of 1860, as well as by legal decisions (*Cope* v. *Barber*, L.R., C.P. vii.-401.) Yet Mr. Gedge, *more suo*, prefers to beg the question.

On another point, however, Mr. Gedge has, at first sight, more reason to complain. He says that he described the charge against Bp. King as one of "cleansing the chalice with wine and water, and drinking the wine and water in the face of the congregation," and that I distorted this into a further charge of pouring water over his fingers before drinking it. But Mr. Gedge did not state accurately what Bp. King's own Counsel describe as follows—

"8. After the Blessing the remains of the consecrated elements

were, as far as could so be, reverently eaten and drunk, AND THEN one of the assistant priests, with his sanction, poured water into the paten and wine and water into the chalice, and the contents of the paten and the chalice were then reverently consumed by the Bishop, and thus the remains of that which was consecrated were completely and reverently eaten and drunk in accordance with the rubric."

Now anybody who will compare this with the Rubric in the Prayer Book will see that obedience to its requirements was satisfied by the first two lines of the above statement; and that what follows is in excess both of the Rubric and of Mr. Gedge's description. More than this, if Mr. Gedge will no longer trust to the impressions of the "man in the street," but will look at the published writings of recognised Ritualistic authorities, he will find that the careful washing of the fingers on the ground alleged is solemnly inculcated. Nay more, the sucking of the fingers is further advocated.

The *Directorium Anglicanum* says—

"The Epistoler taking the water-cruet into his right hand, pours some water into the wine over the fingers of the priest, *i.e.*, so that the first finger and thumb of each hand might be *within the chalice*, and thus washed as well as the cup with wine and water poured over them."—(2nd edit., p. 71 and footnote.)

In a footnote is quoted from the Sarum Missal, "ne aliquæ reliquiæ corporis vel sanguinis remaneant in digitis."

For obvious reasons, it would be difficult to prove in a "criminal" suit this prescribed washing of the fingers "within" the chalice: but it must not be assumed that the "ablutions" at Lincoln do not follow the Sarum Use in a matter in which it is supported by the "unrepealed Canon Law" as well as by modern Roman Catholic practice. (See Maskell's Ancient Liturgy of the Church of England, pp. 130, 135, 161, &c.)

The Rev. T. W. Perry, the Royal Commissioner on Ritual, employed by the E.C.U. as their foremost expert to draft their published "Case for the opinion of Counsel," quotes also Archbishop Langton's Constitutions (of 1222) and Archbishop Langham's (A.D. 1367) as follows—

"A priest may not celebrate Mass twice a day, unless the necessity be urgent. When he does, let nothing be poured into the chalice after the receiving the Blood at the first celebration; but let the least drops be diligently supped out of the chalice, and the fingers sucked or licked with the tongue, and washed, and the washings to be kept in a clean vessel to be had for this purpose; which washings are to be drunk after the celebration."

Mr. Perry comments on this in a parallel column, "*All these laws are still in force,* and might be a most useful and very practical guide to the clergy of the Church of England, seeing that no directions upon the points mentioned in them, are given in the Prayer Book." The rinsing water is not supposed to be transubstantiated; consequently to drink any of *it* before the second celebration would be to break the priest's fast. Mr. Perry further defends the Constitution of Archbishop Edmund (A.D. 1326) for Communion of the Sick.

"And let him have a silver or tin vessel, always to carry with him to the sick, appropriated for that special purpose, that is for giving the washings of his fingers to be drunk by the sick man after the taking of the Eucharist."—(*Perry's Lawful Church Ornaments,* pp. 478, 481.)

Mr. Perry would adopt Mr. Gedge's words, and say this "only *accentuates* the doctrine taught by the rubric." Had Mr. Gedge done us the honour to read our Church Association pamphlet on the "Reservation of the host," he would have learned that the real object of the rubrical direction added in 1662 was not to secure any ritual washings of the cup and the platter, but to prevent any reservation of the host under pretence of too large a quantity having been consecrated. But then, as we have seen, Mr. Gedge eschews even penny tracts as being "recondite" and "lore" because they might interfere with the free publication of his opinions on subjects to which "the man in the street" has paid no attention. Let me add two more authorities to show what is the "Catholic tradition."

"The server pours first a few drops of wine, then a larger quantity of water over his fingers into the chalice. The priest having wiped his fingers, then drinks the ablution."—(*Ritual Reason Why,* p. 141.)

"Whenever the priest has to replace the chalice on the altar, he must cover it, but must be careful not to place the pall on the rim where it is wet with the Blessed Sacrament, but first remove any portion of it that may be there with his lips; he may, if necessary, also use his forefinger, placing *it afterwards in his mouth.* He must be careful not to allow the Precious Blood to run down the outside of the chalice. He ought to communicate the people, if possible from one part only of the lip of the chalice, so as to avoid wetting it all round."—(*Aids to reverently celebrating.* 1889. Griffith, Farran & Co.)

But your readers have now had enough of this sort of rubrical (?) "reverence."

Lastly, in dealing with Mr. Bennett's case, Mr. Gedge says

that I rest the worthlessness of Sir R. Phillimore's judgment upon the fact that he 'was brother-in-law of Adn. Denison.' No moderately careful reader of my article could fall into that error. What I referred to was the notorious fact that Sir R. Phillimore's Judgment contained spurious quotations attributed to 'Overal,' and 'Poynet,' and garbled quotations from Ridley, Jewel, Bramhall, Jeremy Taylor, and Tillotson. Even the Thirty-nine Articles were misquoted: so also was the Six Articles Act, and this list of gross blunders (by no means an exhaustive* one) derives additional importance from the fact which I mentioned—but which Mr. Gedge suppresses—viz. that this judgment was "in substance the very same catena compiled [for Sir R. Phillimore as counsel] for Denison's defence, which had been proved twenty years before, by Dean Goode, to consist of downright misquotations." Those who have read the Life of Bp. Wilberforce (ii. 325) will remember how Sir R. Phillimore was closeted with Mr. Gladstone and the Bishop of Oxford to concoct measures for the defence of Denison; and those who remember the active part Mr. Gladstone took in reference to the condemnation of Messrs. Oakley, Ward, Newman, and Bp. Forbes will recognise the pertinence of the fact that it was the same Mr. Gladstone who "pitchforked two brand new judges into the Privy Council within a week of the trial." The Crown (by 3 and 4 Wm. IV. c. 41) can only appoint *two*, beside the *ex-officio* members, and one of these two gentlemen, who had never sat as a judge in any court, had the merit of being the editor of the *Guardian* newspaper which then supported both Denison and Mr. Gladstone through thick and thin, and he was also a member of that Committee of the "London Union" of 1849, of which Viscount Campden, Viscount Fielding, the Rev. W. Dodsworth, the Rev. W. Maskell, Mr. John Simeon, M.P., Mr. F. R. Wegg-Prosser, M.P., and other well-known seceders to Rome were also members.† When it is remembered that the present Marquis of Ripon was then President of the Council, and that Lord Aberdeen (who acted under the influence of Bp. Wilberforce and Mr. Gladstone in Church matters) "in translating Lord Auck-

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* For a more complete list see "Is Lord Penzance fit to succeed Sir R. Phillimore?" published by Marlborough. Price One Penny.

† *See* Life of Henry Hoare, by the Rev. J. B. Sweet, p. 107.

land, STIPULATED that he should neither persecute Mr. Bennett, nor prosecute Adn. Denison" (*Life of Wilberforce*, ii. 240) the pertinence of my remark, which, after all, merely adopted a statement made by the *Church Times*, must be evident even to the "man in the street."

Mr. Gedge thinks I have no right to claim a verdict of 'Not Proven' against Mr. Bennett. But the language of the Judges is decisive.

"Upon the whole, their lordships, not without doubts and division of opinions, have come to the conclusion that this charge is not so clearly made out as the rules which govern penal proceedings require. Mr. Bennett is entitled to the benefit of any doubt that may exist. His language has been rash, but as it appears to the majority of their lordships that his words can be so construed as not to be *plainly* repugnant to the two passages articled against them, their lordships will give him the benefit of the doubt that has been raised . . . Even in their maturer form his words are rash and ill-judged, and are perilously near a violation of the law. But the Committee have not allowed any feeling of disapproval to interfere with the real duty before them, to decide whether the language of the respondent was so plainly repugnant to the Articles and formularies as to call for judicial condemnation; and, as these proceedings are highly penal, to construe in his favour every reasonable doubt." (Stephens' Report, pp. 303, 307.)

Apart from this, I hold that the Bennett Judgment cannot be held conclusive as to the doctrine of the English Church for two plain reasons.

1st. Because the XXIXth Article was expressly devised to furnish *the* touchstone of eucharistic error. Yet on technical grounds the "reception by the wicked" was struck out from the articles of charge by Sir R. Phillimore, although at that very moment Mr. Bennett was selling at his "Church Depository" in the town of Frome, a work containing the following passage:—

"That the body and blood of Christ, thus really present, are therein and thereby given to and received by ALL, both in respect of those who eat and drink worthily, and *in respect of those who eat and drink unworthily.*" [!]

2ndly. Because Mr. Gladstone's unprecedented interference only four days before the trial to change the composition of the court robbed its divided utterances of that moral weight which would otherwise attach to the findings of the supreme court of appeal.

Even the "man in the street" (or British Philistine), must see that this was a very different thing from a

Parnellite grumble about "the family relationship of one judge, and the recent elevation to the Bench of two others," as Mr. Gedge ingeniously puts it. For my part, I deplore that any Evangelical should think it consistent with his duty to publish at such a crisis an estimate of the Bennett Judgment which endorses the most boastful claims of the *Church Times*. Sir R. Phillimore himself was more candid in this matter than Mr. Sydney Gedge. He says:—

"The judgment of the Court of Arches contained two propositions: first, the Judge said, 'I say that the objective, actual, and real presence, or presence *external to the act of the communicant*, appears to me to be the doctrine which the formularies of our Church, duly considered and construed so as to be harmonious, intended to maintain.' This proposition was not adopted by the Judicial Committee of the Privy Council." (Eccl. Law, i. Add. p. lxx.)

No one could gather so much as a hint of this from Mr. Gedge's version.

And this has a direct bearing upon another fallacy emitted by Mr. Gedge, viz. that if false doctrine be not illegal, ritual which is in itself illegal must be suffered to pass unchallenged *because* it embodies that false doctrine. But the judgment in *Sheppard* v. *Bennett*, which he has himself invoked, held that—

"In the public or common prayers and devotional offices of the Church all her members are expected and entitled to join; it is necessary, therefore, that such forms of worship as are prescribed by authority for general use should embody those beliefs *only* which are assumed to be generally held by the members of the Church. . . . If the Minister be allowed to introduce at his own will variations in the rites and ceremonies that seem to him to interpret the doctrine of the service in a particular direction, the service ceases to be what it was meant to be, common ground on which all Church people may meet."

Bp. Thirlwall in his charge, 1872, lays down the same principle; and even Bp. S. Wilberforce said, "It is not only that the man who does it advances his views as a teacher of the Church, but taking advantage of his position to make manual alterations in the services, he makes all the congregation who acquiesce in these alterations parties with him in his particular views."

Bp. Wilberforce was no "C. A. man," but he had at any rate the honesty to eschew the more recent episcopal device of allowing Mass and Holy Communion to be celebrated side by side. "Tell us not . . . that ye will read our Scriptures, if we will listen to your traditions; *that if ye*

may have Mass by permission, we shall have a Communion with good leave and liking. . . . He cannot love the Lord Jesus with his heart, which lendeth one ear to his Apostles and another to False Apostles; which *can brook to see a mingle-mangle of religion and superstition, Ministers and massing-priests.*"

The writer of that sentence was not a "man in the street;" and, as Mr. Gedge will perhaps object, Richard Hooker was "three hundred years ago." Nevertheless, *sit anima mea cum illo.*

HENRY MILLER,
Secretary, Church Association.

To be obtained at the office of the Church Association, 14, Buckingham Street, Strand, London, at the price of 2*d* each, or 12*s* per 100.

4th Thousand.]

MR. JAMES PARKER'S ATTACK

UPON THE

Judicial Committee of the Privy Council.

VER since the Ridsdale Judgment endorsed the decision in *Hebbert* v. *Purchas*, viz., that the Advertisements of Q. Elizabeth (issued in 1566) were a legal "taking order" under the proviso of the Act of Uniformity (1 Eliz. c. 2), attempts to disparage that ruling have been made by Dr. Littledale and by Mr. Jas. Parker. So many of the clergy, including some bishops, have been deceived by their unjust aspersions, that it has been found necessary to expose from time to time the methods by which it is sought to "put darkness for light, and bitter for sweet." Dr. Littledale's fallacies were accordingly exhibited in "The Advertisements of Queen Elizabeth,"* and Mr. James Parker's in the CHURCH INTELLIGENCER, Vols. iii.-102, 114, 128; v.-12; vi.-78.

But Mr. Jas. Parker has now launched a fresh discovery of his, viz., that the Signatories to the Advertisements were not "Commissioners under the Great Seal for causes ecclesiastical." In the *Guardian* of July 17th he puts the matter thus:

"All the contemporary printed copies (and it may be added all reprints afterwards), have the signatures very clearly thus:—

'Agreed upon and subscribed by—

'MATTHÆUS CANTUARIENSIS,
'EDMUNDUS LONDINIENSIS,
'RICHARDUS ELIENSIS,
'EDMUNDUS ROFFENSIS,
'ROBERTUS WINTONIENSIS,
'NICOLAUS LINCOLNIENSIS,
} Commissioners in Causes Ecclesiastical with others.'

[1] Published by J. F. Shaw. Price One Penny.

Now the warrant for appointing the Commission for Causes Ecclesiastical under the Great Seal can easily be referred to (by those who have not an opportunity of seeing the original in the Record-office), in Cardwell's *Documentary Annals* (ed. 1839, p. 223; ed. 1844, p. 255), and it will be seen that Matthew Parker and Edmund Grindal, of London, were appointed; but neither Richard Cox, of Ely, Edmund Guest, of Rochester, Robert Horne, of Winchester, nor Nicholas Bullingham, of Lincoln, were appointed on that Commission in 1559, nor is there the slightest evidence, or trace of evidence, of all or any one of these four having been appointed afterwards. . . . The taking of order by Commissioners must be, to be valid, by Commissioners appointed under the Great Seal. The authors of the Judgment could not write 'also with the advice of the Commissioners *appointed under the Great Seal of England* for causes ecclesiastical,' because they knew that four out of the six Commissioners in question were not so. They were obliged to leave the words out. In any ordinary controversy were such a process resorted to one writer would accuse the other of garbling. I do not know what term to apply when I see it done in a report of a Judicial Committee of the Privy Council."

Mr. Parker emphasises the seriousness of his charge, on this wise:

"But attentive readers will observe that the five Bishops of his province are bracketed with the Archbishop. The bracket exists in all the known copies, and the Archbishop is always included with the others."

What stronger accusation of stupidity, bad faith, and dishonesty on the part of the Privy Council could be alleged than in this formal indictment? Those who are interested (and who is not?) in the reputation of our great English Judges will be relieved at finding that it is only Mr. Jas. Parker who has "garbled" (to use his own elegant phrase) the evidence upon which their judgment is asked.

In the first place, he has chosen to give the signatures as printed by Cardwell, who (like Wilkins) *professes* to take the text of Hearne for his guide. But neither Hearne in 1717, nor any one of the original editions, gives the signatures as printed by Cardwell in his *Documentary Annals*. Mr. Jas. Parker has examined seven copies (belonging to at least five separate editions) now existing in the British Museum, for he has published an account of them in his "Letter to Lord Selborne," p. 66. There is also in the B. M. an eighth copy (besides two old reprints "5175. b" and "3406. $\frac{d}{1}$ 13") which Mr. Parker overlooked, viz. "T. $\frac{1013}{8}$." Not one of these gives the signatures as Mr. Jas. Parker prints them. Why then does

Mr. Jas. Parker prefer an inaccurate reprint of 1839 to the original editions with which he is familiar? Even Sparrow's reprint in 1661 avoided this blunder upon which Mr. Jas. Parker bases his outrageous charge against the Privy Council.

In the un-"garbled" copies the signatures are printed thus:

"Agreed upon and subscribed by

Matthæus Cantuariensis,
Edmondus Londoniensis,
Richardus Eliensis,
Edmondus Roffensis.
} Commissioners in Causes Ecclesiastical.

Robertus Wintoniensis.
Nicolaus Lincolniensis.

With others."

Here it will be seen that only the first *four* bishops are formally designated "Commissioners in causes ecclesiastical." The following Royal Commission by Letters Patent which is printed now for the first time, was several years prior in date to the issue of the Advertisements of 1566, and in it the names of all the four are duly found in spite of Mr. Jas. Parker's confident assurance that there is not a "trace of evidence' of '*any one* of these four having been appointed afterwards." Yet that "evidence" was directly under Mr. Parker's nose, being regularly enrolled and indexed at the Record Office. Nobody before Mr. Jas. Parker ever hinted a doubt that the Signatories were Commissioners. The Queen in her letter of January 25, 1565, to the Archbishop, had required him "being the Metropolitan" to "confer with the bishops your brethren *namely such as be in Commission for causes ecclesiastical*" [Parker Corr. p. 225]: and the draft articles were described accordingly as "subscribed by the bishops conferers" [P. Corr. 234]. The Archbishop mentions his "sitting in Commission with Doctor Lewes, Mr. Osborne, and Dr. Drurie" [P. Corr. p. 277], during the very first week of the enforcement of the new Orders, when as he told Cecil—"my Lord of London [Grindal] and I dismissed them with our Advertisements." Though not one of these three Commissioners was named in the Commission of 1559, every one of them is found in the subsequent Commission of 1562 printed below. Grindal, whom even Mr. Parker *admits* to have been a Commissioner, expressly described the Advertisements as "made by some of the Queen's Commissioners."

[Strype's Life of Parker, i-319.] And Abp. Parker writing about them to the Prime Minister in 1573, said, "Order hath been taken publicly this seven years by Commissioners, according to the Statute." [P. Corr. p. 450.]

One of the earliest Puritan attacks upon the Advertisements of Elizabeth was "An Abstract of certain Acts of Parliament" published in 1583, which at p. 210 called them "Advertisements published in the 7th year of her Grace's reign, and subscribed with the hands of one archbishop and five bishops, her Highness' Eccl. Commissioners." To this attack "An Answer" was published in 1584 by Richard Cosin who had been successively Chancellor of Worcester, Vicar General, and Dean of the Arches, and whom Fuller designates "one of the greatest civilians which our age or nation hath produced." At p. 2 of the preface to this work Cosin complains of the Puritans for "objecting breach of law also unto those grave fathers, whom her Majesty hath put in authority, for reducing others to conformitie of her laws ecclesiastical," and he repeatedly (pp. 67, 74, 115, 130) recognises the Advertisements as having Her Majesty's authority. Sparke, who was ordained in 1573, published in 1607 his "Brotherly persuasion to unitie" dedicated to King James, in which he said (p. 21) "Her Majesty by virtue of the said statute, with the consent of the archbishop and High Commissioners" issued the Advts. Heylin in 1661 said "the Queen thought fit to make a further signification of her royal pleasure . . legally declared by her Commissioners for causes ecclesiastical, according to the acts and statutes made in that behalf." [Hist. Ref. ii.-408.] Bennet, in 1708, in his "Paraphrase" (p. 5) said "She did then, with the advice of her ecclesiastical Commissioners, particularly the then Metropolitan, Dr. Matthew Parker, publish certain Advertisements." Strype (upon whose authority Mr. Jas. Parker builds, when it suits his immediate purpose) testifies that in 1561 Abp. Parker "had an *assessus* of other bishops with him at Lambhith, for his assistance, by special Commission from the Queen, as it seems, according to a late Act of Parliament"; and again "the Abp. of Canterbury, with Thomas Abp. of York, the Bishops of London and *Ely*, and some others *of the Eccl. Commission* were now sitting at Lambeth." [Strype's Parker, pp. 181, 194.]

According to Wilkins (iv.-246), the Bishops of *Ely*, *Lincoln* and *Winchester* were addressed by Sampson and Humphrey as being on the Ecclesiastical Commission which enforced the Advertisements. Wilkins copies this from Strype, and we know that the Bp. of Winchester (Horn) was on the High Commission in 1571, 1572, and 1573, as were Bps. Cox and Bullingham in 1571. [Parker Corr. 72, 370, 382, 383, 433. cf. S. P. Dom. Eliz. 1565, No. 64, p. 253.] We know also that fresh names were added from time to time to the original Commissioners, so that the mere fact of the disappearance, or non-discovery of any intermediate commissions is no proof that men whose names were published in 1566 as "Commissioners in causes Ecclesiastical" were not such, although their names did not occur in the older Commission of 1559. Yet that is the pretext put forward in the *Guardian* for accusing Lord Selborne and the rest of Her Majesty's Judges of what "in any ordinary controversy" Mr. Jas. Parker would describe as "garbling." It must not, however, be assumed that when the Advertisements were actually published in 1566, Bishops Horn and Bolingham had not been added to the High Commission Court; though on that point we have no evidence one way or other. It is enough that, as the following document proves, the four men whose names are bracketed, possessed that qualification at the time when as a Quorum of the Royal Commissioners they signed the Advertisements of Q. Elizabeth.

The numbering of the sections, it should be mentioned, does not exist in the original, but is added merely to facilitate comparison with the Commission of 1559, as printed by Cardwell.

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The Queen's warrant for the Court of High Commission in causes Ecclesiastical.

PATENT ROLL. 4 ELIZ. PART 3.

Elizabeth &c. To our trustie and Welbeloued the moste Reuent ffather in god Mathewe Archebusshop of Caunterbury Primate and Metropolitane of all England the Reuent ffather in god Edmund Busshop of London Richarde Busshop of Elie Edmunde Busshop of Rochester And to our right trustie and Welbeloued Counsellors ffrauncys Knolles our Vicechamblayne Ambrose Cave Chauncellor of our Duchy Willam Petre Chauncellor of thorder of the Gartier knighte And to our trusty and Wel-

Cōmissa Matheo Cantuar̃ Archiepō ꝙ at ad puniand [sic] ñmoi

ꝑsonas quĩ sunt repugnant diuiñ ꝟuič

beloued Antony Coke and Thomas Smith knightꝫ Walter Haddon and Thomas Sackford Masters of the requestꝫ Willam Chester and Willam Garret knightꝫ Randol Cholmeley and John Sowthcote Serieantꝫ at the Lawe Alexander Nowell Deane of Powles Gabriel Goodman Deane of Westm Gilbt Gerrarde Esquier our Attorney Genall Robte Nowell Attorney of our Courte of Wardes and lyveries Richard Ousley Clerke of our Duchy Peter Osbourne one of the Remembrancꝫ of our Exchequier Dauyd Lewes Judge of our Highe Courte of the Admyraltie Robte Weston Deane of the Arches Thomas Huyck Chauncellor to the Bysshop of London Masters of our Courte of Chauncy Thomas Yale Chauncellor to the Archebusshop of Caunterbury Willam Drury Cõmissary of the ffaculties Doctors of the Lawe and Thomas Wattes[1] Archedeacon of Middelsex,[1a] greating. Whereas in our Parliament holden at Westm the xxvth day of January in the firste yere of our reigne and there contynued and kepte vntill the viijte daie of Maye then next followinge amongest other thingꝫ there was two Actꝫ and Statutes made and establisshed the one entituled An Acte for the vnyformytie of cõmon prayer and ꝟuice of the Churche and administacon of the Sacramentꝫ and the other entituled An Acte restoringe to the Crowne the Auncyent iurisdiccon oũ thestate eccliasticall and spuall and abolysshinge all forrayne power repugnante to the same, as by the same seuall actꝫ more at lardge dothe appeare And whereas dyuse sedicious and slaunderous ꝑsonnes do not cease daylie to invente and set forthe false rumors tales and sedicious slaunders not only againste vs and the said good lawes and Statutꝫ but also haue set forthe dyuse sedicious bookes within this our Realme of England meanynge thereby to move and ꝑcure stryfe dyvision and discencion amongest our lovinge and obedient Subiectꝫ muche to the disquyeting of vs and our people Wherefore We earnestly myndynge to haue the same seuall actꝫ before menc̃oned to be duly put in execuc̃on and such ꝑsons as shall hereafter offende in any thinge contary to the tenor and effecte of the said seuall statutꝫ to be condignely punysshed and havinge espall truste and confidence in your Wisdomes and discrecc̃ons haue aucthorised assigned and appoynted you to be

(ii.)

(iii.)

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[1] Watts and Goodman are named by Puritan writers as "Commissioners" who sat to enforce the Advertisements.—See Grindal's Remains, p. 201. Zurich Letters ii.-148. Onslow, Osborne, Gerrard, Yale, Lewis, and Drury are all named as Commissioners in contemporary letters. (Parker's Corr. pp. 300, 302, 345, 383; Grindal's Remains, p. 294.)

[1a] Out of 27 Commissioners only 7 were "spiritual" persons, the rest being Privy Councillors, Common Lawyers, and Civilians in about equal proportions. Mr. Gladstone says the High Commission Court was "praiseworthy and successful" in placing "these affairs under the control of qualified persons in conformity with the great Preamble of 24 H. 8, c. 12." (*Nineteenth Century*, 1888, p. 774.) No civilian was of the quorum.

our Cõmissions and by these psente do give full power and auctorytie vnto you or three of you[2] Whereof you the said Archebusshop of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smyth Walter Haddon Thomas Sackford or Gilbt Gerrarde to be one from tyme to tyme hereafter duringe our pleasure to enquyre aswell by the othes of twelve good and lawfull men as also by Wytnesses and all other Wayes and meanes ye can devise of all offences and misdemeanors done and cõmytted and hereafter to be cõmitted and done contra to the tenor and effecte of the said seuall Acte and Statute and eyther of theym And also of all and singuler heriticall opynyons sedycious bookes contempte conspiracies false rumors tales sedycyons mysbehavioures slaunderous wordes and sayinge publisshed invented or set forth or hereafter to be publisshed invented or set forth by any pson or psonnes againste vs or contra or againste any the lawes or statute of this our Realme or againste the quiet gouernaunce and rule of our people and Subiecte in any Countie Cyttie Borough or other place or place within this our Realme of England and of all and euy the coadiutors Counsellors coumforters pcurers and Abbettours of euy such offence And further We do geve full (iv.) power and auctorytie vnto you or three of you Whereof you the said Archebusshopp of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smyth Walter Haddon Thomas Sackford or Gilbt Gerrard to be one from tyme to tyme duringe our pleasure aswell to heare and detmyn all the pmisses as also to enquyre heare and detmyn all and singuler enormyties disturbance and misbehaviours done and cõmytted in any Churche Chappell or againste any dyvine suice or the Minister or Ministers of the same[3] or contra to the Lawes and Statute of this Realme And also to enquyre of and searche out and to order correcte and reforme all suche psonnes as hereafter shall or will obstinately absent theym selves from the Churche and suche dyvine suyce as by the lawes and statute of this Realme is appoynted to be had and vsed And also We do geve and (v.) graunte full power and auctorytie vnto you or three of you whereof you the said Archebusshopp of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smyth Walter Haddon Thomas Sackford or Gilbt Gerrarde to

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[2] It will be noticed that the names of the Bishops bracketed at the foot of the Advertisements are included in the *Quorum;* Bps. Horn and Bullingham may have been added "with others" to the Commission without being made of the Quorum. Compare Parker's Corr. p. 370 with p. 383, and 301n. 386.

[3] The phrase "minister of Divine service" is evidently equivalent to *executor officii*, and, as will be seen below (sec. xiii), the word Minister included "Archbishops and Bishops."

be one from tyme to tyme and at all tymes duringe our pleasure to visite reforme redresse order correct and amende in all place within this our Realme of England all suche errors heresies scysmes abuses offenses contempte and enormyties spũall or eccliasticall whatsoeu which by any[4] spũall or eccliasticall power auctorytie or iurisdiccon can or may lawfully be reformed ordered redressed corrected restrayned or amended[4a] by censures eccliasticall depriuacon or otherwise to the pleasure of almightie god thencrease of vtues and the pseruacon of the peace and vnytie of this our Realme and accordinge to the auctorytie and power lymitted geven and appoynted by any
(vi.) lawes ordenancē or statute of this our Realme And also that you or three of you Whereof you the Archebusshopp of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smith Walter Haddon Thomas Sackford or Gilbte Gerrarde to be one shall lykewise haue full power and auctorytie from tyme to tyme to enquyre of and searche out all Masterles[5] Men querelers vagrawnte and suspecte psonnes Within our Cytie of London and ten Myles Compasse aboute the same Cyttie and of all assaulte affrayes done and cōmytted Within
(vii.) the said Cittie and Compasse aforesaid And also we geve full power and auctorytie vnto you or three of you as before sūmarylie to heare and fynally to determyne accordinge to your discrecons and by the Lawes of this Realme all causes and compleynte of all theym which in respect of Religion or for lawfull Matrimony contracted allowed by the same were iniuriously depryved defrauded or spoyled of theire landē goode possessions righte dueties lyvinge office spũall or temporall and theym so deprived as before to restore into theire said lyvinge And to put them in possession amo[vi]nge the vsurpers in convenient spede as it shall seme to youre discrecons good by
(viii.) youre lres myssyve or otherwise all frustratory appellacons clerely reiected And further We do geve full power and auctorytie vnto you or three of you Whereof you the said Archebusshopp of Caunterbury you Busshoppes of London Elie Rochester or you Thomas Smyth Walter Haddon Thomas Sackford or Gilbte Gerrarde to be one by vtue hereof to heare and determyne all notoryous and manifest advowtries fornicacons

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[4] By "any"; not merely such as had formerly been dealt with by the Pope, but "all" of every kind were now "annexed and joined to the Crown" by 1 Eliz. c. 1.

[4a] These words "by censures ecclesiastical, deprivation, or otherwise," did not exist in the corresponding section of the Commission of 1559. They explain why Cecil struck out of the draft "Ordinances" of 1565 the penalty of "sequestration, not deprivation," and why no specific penalty appears in the Advertisements of 1566.

[5] This is the word which was omitted by Cardwell from his second-hand reprint of the Commission of 1 Eliz. (D. A. No. xlv.).

and eccliasticall crimes and offences Within this our Realme accordinge to youre Wisedomes conscience and discrecc̃ons Willing and Cōmaundinge you or three of you Whereof you the Archebusshop of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smyth Walter Haddon Thomas Sackford or Gilb̃te Gerrarde to be one from tyme to tyme hereafter to vse and devise all suche pollitike Waies and meanes for the triall and searchinge out of all the p̃misses as by you or three of you as aforesaid shalbe thought moste expedient and necessary and vpon due p̈fe had and the offence or (ix.) offence before sp̃ified or any of theym sufficiently p̈ued againste any p̈son or p̈sonnes by confession of the partie or by lawfull Witnesses or by any other due meane before you or three of you Whereof you the said Archebusshopp of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smith Walter Haddon Thomas Sackford or Gilb̃te Gerrarde to be one that then you or three of you as aforesaid shall haue full power and auctorytie to order and awarde suche punyshement to eu̇y offendor by fyne ymprisonment or otherwise by all or any of the Wayes aforesaid and to take such order for the redresse of the same as to your Wisdomes and discrecc̃ons or three of you Whereof you the said Archebusshop̃ of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smyth Walter Haddon Thomas Sackford or Gilb̃te Gerrarde to be one shalbe thought mete and convenient And further We do geve full power and auctorytie vnto you or three of you as aforesaid to call before you or three of you as aforesaid from tyme to tyme all and eu̇y offendour and offendoures and suche as by you or three of you as aforesaid shall seme to be suspecte p̈sonnes in any of the p̃misses And also all such Witnesses as you or three of you as is aforesaid shall thinke mete to be called before you or three of you as aforesaid and theym and eu̇y of theym to examen vpon theire corporall othes for the bett triall and openying of the p̃misses or any parte thereof And if you or three of you as aforesaid (x.) shall fynde any p̈son or p̈sonnes obstinate or disobedient either in theire apparaunce[6] before you or three of you as aforesaid at your callinge and cōmaundement or els in not accomplisshinge or not observinge youre orders Decrees and cōmaundemente or any thinge touchinge the p̃misses or any parte thereof that then you or three of you as is aforesaid shall haue full power and auctorytie to cōmyt the same p̈son or p̈sonnes so offendinge to warde there to remayne vntill he or they shalbe by you or (xi.) three of you as is aforesaid elarged and delyued And further-

[6] In the Commission of 1559 this word was "apparel" in the Patent Roll. 1 Eliz., part 9, No. 946. Its meaning is shown at p. 12, Vol. iv., of the Church Intelligencer. But it may have been merely a clerical error.

more We do geve vnto you or to three of you Whereof you the said Archebusshopp of Caunterbury or you Busshoppes of London Elie Rochester or you the said Thomas Smyth Walter Haddon Thomas Sackford or Gilbte Gerrarde to be one full power and auctorytie by these psentes to take and receyve by youre discrecons of euy offender or suspecte psonnes to be convented or brought before you a Recognisaunce or Recognisaunces obligacon or Obligacons to [our] vse in suche some or somes of money as to you or three of you as aforesaid shall seme mete and convenient as well for theire psonall appearaunce before you or three of you as aforesaid as also for the pfourmance and accomplishement of your orders and decrees in case you or three of you as aforesaid
(xii.) shall see it convenient And further our Will and pleasure is that you shall appoynte our trusty and Welbeloued Subiecte Willam Bedell to be our Register of all your actes decrees and pceadinges by vtue of this Comission And in his absence and defaulte one other sufficient pson and that you or three of you or the pson whome three of you in manner aboue rehearsed shall appoynte in that behalfe as aforesaid shall geve such allowance to the said Register for his paynes and his Clerkes to be levied of the fynes and other pfitts that shall aryse by force of this Comission and youre doynges in the pmisses as to your discrecons shall be thought
(xiii.) mete And further our Will and pleasure is that you or three of you as aforesaid by bill or billes signed with your handes shall and may assigne and appoynte aswell to the said pson for his paynes in receavinge[6a] the said somes as also to youre messengers and attendauntes vpon you for theire tauell paynes and charges to be susteyned for vs about the pmisses or any parte thereof suche somes of money for theire rewardes as to you or three of you as is aforesaid shalbe thoughte expedient Willinge and comaundinge you or three of you as aforesaid after the tyme of this our Comission expired to ctyfie in to our Courte of Eschequier aswell the name of the said Receyvor as also a note of all suche fynes as shalbe set or taxed before you to thentent that vpon the determinacon of the Accompte of the said Receyvor We be answered of that that to vs shall iustlie appteyne Willinge and comaundinge also our Auditors and other Officers vpon the sight of the said Bill signed with the handes of you or three of you as is aforesaid to make vnto the said Receyvor due allowance accordinge to the said billes vpon his Accompte[7] And whereas there were dyuse cathedrall and collegiate Churches Gramm Scoles and other eccliasticall incorporacons erected founded and ordeyned by the late Kinge of ffamous memorie our deare ffather Kinge Henrie theighte and by our deare late brother

[6a] Cardwell misprints this word "recovering."

[7] The following clauses to the end of section xiii did not exist in the Commission of 1559.

Kinge Edwarde the Sixte and by our late Sister Quene Mary and by the late Lord Cardinall Poole the ordinaunce rules and statute whereof be eyther none at all or altogether ymparfecte or being made of such tyme as the Crowne and regiment of this Realme was subdued to the farayne auctorytie of Rome they be in some poynte contrary dyuse and repugnante to the dignitie and Prerogatyve of our Crowne the lawes of this Realme and the psent state[8] of Religion within the same We therefore do geve full power [and] auctorytie to you or to six of you of whome We will the aforenamed Archebusshopp of Caunterbury the foresaid Busshoppes of London Elie or Rochester alwaies to be one to cause and comaunde in our name all and singuler the ordinaunce rules and Statute of all and euy the said cathedrall and collegiate Churches Gramm. Scoles and other eccliasticall incorporacons togather with theire seuall ires patente and other Writinge touchinge and in any wise concynge theire seuall ereccons and foundacons to be brought and exhibited before you or six of you as is aforesaid Willing and comaundinge you or six of you as is aforesaid vpon the exhibiitnge and vpon diligent and delibate view searche and exaiacon of the said Statute rules ordenaunce ires patente and Wrytinge as is aforesaid not onlie to make spedy and vndelayed ctificat of the enormyties disorders defecte surplisage[9] or wante of all and singuler the said Statute rules and ordenaunce but also with the same to adutise vs of such good orders rules and statute as you or six of you as is aforesaid shall thinke mete and convenient to be by vs made and set forthe for the bett order and rule of the said seuall ereccons and foundacons and the possessions and reuenues of the same and as may best tende to thonour of almightie god thincrease of vtue and vnytie in the same place and the publike weale and tranquilitie of this our Realme to thende We may thereupon further pcede to the altinge makinge and establisshinge of the same and other statute rules and ordenaunce accordinge to the late acte of parliament thereof made in the firste yere of our reigne And whereas also We are enformed that there remayneth as yet still within this our Realme dyuse puse and obstinate psons whiche do refuse to acknowledge confesse and set forth our supioritie Prerogatyve and pheminence within this our Realme and other our dmons and also to observe suche ceremonies righte and orders in dyuyne suice whiche hath ben establisshed and set forthe by the Lawes and Statute of this Realme and by our Iniuncons We therefore do assigne depute and appoynte and do geve full power and

[8] Observe, it was not merely the Royal Supremacy but "the present state of religion" to which the Pre-Reformation Statutes needed to be re-adjusted, being "diverse or repugnant." The quorum for this purpose was strictly clerical.

[9] Excesses of ritual as well as defects were in this way to be got rid of as illegal "surplusage."

auctorytie and iurisdiccon to you or three of you whereof Tharchebusshopp of Caunterbury the said Busshoppes of London Elie or Rochester to be one to receave and take of all Archebusshoppes Busshoppes and other psonnes Officers or Ministers eccliasticall of what estate dignitie pheminence or degree soeu they be a cten corporall othe vpon the holy Evangelist sp̃ified menc̃oned and set forthe in the aforesaid Statute or acte of Parliamente entituled An Acte restoring to the Crowne the Auncyent iurisdicc̃on ou the state eccliasticall and sp̃uall and abolisshinge of all farayne power repugnante to the same the same othe to be taken and receyved before you or three of you whereof the said Archebusshopp or Busshoppes of London Elie or Rochester to be one of the said psonnes and euy of theym according to the tenour fourme and effecte of the same acte Willing and requyring you or three of you whereof the said Archebusshopp of Caunterbury Busshoppes of London Elie or Rochester to be one to take and receyue the same othes of all psonnes before rehearsed and euy of theym and to ctifie vs without delay into our Courte of Chauncy of the receyte of the same vnder your seales or the seales of three of you whereof the said Archebusshopp or Busshoppes of London Elie or Rochester to be one And if any Tharchebusshoppes Busshoppes and other psonnes Officers or Ministers eccliasticall afore rehearsed or any of theym shall pemptoryly and obstinately refuse to take and receyve the same othe then to ctifie the same recusac̃on or recusac̃ons of theym or any of theym vnto vs into our Courte of Chauncy without delaye likewise vnder your seales or the seales of three of you whereof the said Archebusshopp of Caunterbury Busshoppes of London Elie or Rochester to be one Wherefore

(xiv.) We Will and com̃aunde you our Com̃issions with diligence to execute the pmisses with effect Any of our Lawes Statute pclamac̃ons or other graunte priuyledge or ordenaunce which be or may seme cont[a]ry to the pmisses notwithstandinge And

(xv.) moreou We Will and com̃aunde all and singuler Justice of peace Mayres Shreife Baylieffe Constables and other our officers Ministers and faithfull subiecte to be aydinge helpinge and assisting you and at your com̃aundement in the due execuc̃on hereof as they tender our pleasure and Will Answer to the cont[a]ry at theire vttmost pille. And We Will and graunte that

(xvi.) these our lres patente shalbe a sufficient Warraunte and dischardge for you and euy of you againste vs our heires and successors and all and euy other pson and psonnes Whatsoeu they be of and for or concnyng the pmisses or any pcell thereof or for thexecuc̃on of this our Com̃ission or any parte thereof In Witnes whereof &c. Witnes our Self at Westm the xx[th] day of July.

p ip̃am Reginam &c.

To be obtained at the Office of the Church Association, 14, Buckingham Street, Strand, London, W.C., at the price of 8*d* per dozen or 4*s* 6*d* per 100.

4th Thousand.

SHEPPARD *v.* BENNETT.

JUDGMENT

OF THE RIGHT HON. THE LORDS OF THE

JUDICIAL COMMITTEE

OF THE

PRIVY COUNCIL

ON APPEAL FROM

THE COURT OF ARCHES.

Delivered 8th June, 1872.

London:
CHURCH ASSOCIATION, 14, Buckingham Street, Strand.
J. F. SHAW & Co., 48, Paternoster Row.
J. KENSIT, 18, Paternoster Row.

No. CVIII.] 1889.

PREFACE.

The text of the Judgment has been literally followed throughout without addition or omissions: but footnotes have been added, and italic type used to draw attention to points of importance, and to throw light on the history of the suit.

J. T. T.

JUDGMENT

OF THE

Right Honourable the Lords of the Judicial Committee of the Privy Council on the Appeal of Sheppard v. *Bennett from the Court of Arches: delivered 8th June, 1872, by*

His Grace the Archbishop of York.

Present at the hearing of the Appeal:—Lord Chancellor (Hatherley), Archbishop of York (Dr. Thomson), Bishop of London (Dr. Jackson), Master of the Rolls (Lord Romilly), Sir James W. Colvile, Sir Joseph Napier, Bart., Lord Justice James, Lord Justice Mellish, Mr. Mountague Bernard,* Sir Montague Smith.*

THIS is an Appeal from the final Sentence or Decree pronounced by the Dean of the Arches Court of Canterbury on the 23rd day of July, 1870, and also from two Interlocutory Orders made by the same Judge, in a cause of the office of the Judge promoted by Thomas Byard Sheppard, the Appellant, against the Rev. William James Early Bennett, Vicar of the parish of Frome Selwood, in the Diocese of Bath and Wells, the Respondent, for having offended against the laws ecclesiastical by having, within two years from the date of the institution of the Cause, caused to be printed and published certain works in which he is alleged to have advisedly maintained or affirmed doctrines directly contrary or repugnant to the Articles and Formularies of the United Church of England and Ireland in relation to the

* For an account of the addition of these two names to the Court, only four days before the trial, see Mr. Miller's "Reply to Mr. Sydney Gedge," p. 27.

Sacrament of the Lord's Supper, such works being entitled respectively "Some results of the Tractarian Movement of 1833," forming one of the Essays contained in a volume entitled "The Church and the World," edited by the Rev. Orby Shipley, Clerk, printed and published in London in the year 1867: "A Plea for Toleration in the Church of England, in a Letter addressed to the Rev. E. B. Pusey, D.D., Regius Professor of Hebrew, and Canon of Christ Church, Oxford, 2nd edition," printed and published in London in the year 1867; and "A Plea for Toleration in the Church of England, in a Letter to the Rev. E. B. Pusey, D.D., Regius Professor of Hebrew, and Canon of Christ Church, Oxford, 3rd edition," printed and published in London in the year 1868.

History of the suit.

The Cause was instituted in the Arches Court of Canterbury by virtue of Letters of Request of the late Lord Bishop of Bath and Wells, in accordance with the provisions of the Act 3rd and 4th of the Queen, cap. 86.*

The Respondent was duly cited on the 26th day of July, 1869; and the Citation, with Affidavit of Service, will be found in the Appendix at page 6.

No appearance was given to the Citation, and in default of appearance Articles were filed in accordance with the practice of the Court.

On the 30th of October, 1869, the Judge, having previously heard Counsel on behalf of the Appellant, directed the Articles to be reformed by omitting such parts thereof as charge the Respondent with contravening the 29th Article of Religion, entitled "Of the wicked which eat not the body of Christ in the use of the Lord's Supper."†

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* The Dean of the Arches refused to receive these "letters of request" (2 Ad. and Eccl. p. 338), but on Appeal, the Judicial Committee in 1869 reversed this ruling. (2 P. C. 458.)

† On the ground that "the articles of charge did not set forth passages from Mr. Bennett's works containing doctrines on the subject of the reception by the wicked of the Lord's body and blood, contrary to the teaching of the Church of England in the 29th Article of Religion, but merely referred to a protest Mr. Bennett had signed with other clergymen as to the teaching of Archdeacon Denison in which reference was made to the real presence. It was necessary to bring the offence within the period of two years, as declared by the Church Discipline Act, and the protest was signed several years ago." (Monthly Intell. iv.-71.) The Bp. of

From such Decree or Order, a Petition of Appeal was presented, with the permission of the Judge, and the Appeal came before the Judicial Committee of the Privy Council on the 26th day of March, 1870, when the Lords of the Committee, having heard Counsel on behalf of the Appellant, agreed to report to Her Majesty their opinion against the Appeal, and that the Decree or Order appealed from ought to be affirmed, and the cause remitted, with all its incidents, to the Judge of the Court from which the same was appealed.*

An Order in Council, confirming the report of the Judicial Committee, was afterwards made.†

The cause was accordingly remitted to the Arches Court of Canterbury, and on the 23rd day of June, 1870, in default of appearance on the part of the Respondent, the Judge of the Court, having heard Counsel on behalf of the Appellant, himself reformed the Articles, and admitted the same as so reformed, *notwithstanding that the Counsel for the Promoter objected to the reformation of the Articles so made by the Judge as being at variance with, and exceeding the reformation directed by, the Order of the 30th of October*, 1869.‡

On the 16th day of June, 1870, the Cause came on for hearing, and an application was then made by Counsel that the passages in the 5th, 6th, 7th, and 32nd Articles, which had been struck out by

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London refused to grant a Commission of inquiry to enable the missing link to be afterwards supplied. (M. Intell. iii.-108.)

* Reported in Monthly Intell. iv.-69, and 39 L. J. Eccl. p. 1.

† On April 8th, 1870.

‡ The decision arrived at virtually turned upon this point, because the XXIXth Article was expressly devised to furnish *the* touchstone of eucharistic error. Yet on technical grounds the "reception by the wicked" was struck out from the articles of charge by Sir R. Phillimore, though at that very moment Mr. Bennett was selling at his "Church Depository" in the town of Frome, a work containing the following passage:—

"That the body and blood of Christ, thus really present, are therein and thereby given to and received by ALL, both in respect of those who eat and drink worthily, and *in respect of those who eat and drink unworthily*." [!]

Moreover, under pretence of "reforming" the articles, Sir R. Phillimore availed himself of his position to strike out various passages in Articles 5, 6, 7, and 32, which bore upon the perfectly separate questions of the 'Real presence' and 'Adoration.'

the Judge in his reformation of the Articles, on the 3rd day of June, might be reinstated. The Judge, however, made no further Order thereon, and the hearing of the Cause was continued.

Exclusion of 29th Article of Religion.

On the 23rd day of July, 1870, the Judge, by his Interlocutory Decree, having the force and effect of a definitive sentence in writing, pronounced that the Proctor for the Appellant had failed in sufficiently proving the Articles, and dismissed the Respondent from the suit.

The present Appeal is from so much of the Interlocutory Decree or Order of the 3rd day of June, 1870, as in effect directs the passages in the 5th, 6th, 7th, and 32nd Articles to be struck out; also from the Interlocutory Decree or Order of the 16th day of June, 1870; whereby, in effect, the Judge declined to allow such passages to be reinstated, and from the final Sentence or Decree of the 23rd day of July, 1870.

The Respondent has not appeared upon the hearing of the Appeal, and the Court has not had that assistance from the argument of Counsel in his behalf which is especially desirable in cases like the present, where the Committee are called upon to advise Her Majesty on matters of grave importance as a Tribunal of Ultimate Appeal.

The Counsel for the Appellant first opened the appeal from the Interlocutory Order of the Judge of the 3rd day of June, 1870, whereby he adhered to the reformation that he had made in the 5th, 6th, 7th, and 32nd Articles of Charge. With regard to the reformation of the Articles, the course originally taken seems to be sanctioned by usage; but it appears to their Lordships to be a course attended with considerable inconvenience, and one which might lead to great delay, if not to a miscarriage.

The original Order of the Arches Court directed the Articles of Charge to be reformed, by omitting all such parts thereof as charged the Respondent with contravening the 29th Article of Religion, and this Order was affirmed on Appeal, on the recommendation of this Committee.

The form of the Order leaves open to further determination by the Court what parts of the Articles of Charge, do, in effect, charge the Respondent with contravening the 29th Article of Religion, and thus opens the door to further discussion and (as in this case) to a

further appeal. In the meantime the Judge himself strikes out such parts of the Articles of Charge as he conceives to be within the previous Order of the Court, and then proceeds to hear the cause with the record so altered. If he should have erroneously struck out parts not affected by the Order, the attention of the accused, in his answer or evidence, will not have been called to the parts struck out, for he would be entitled to consider them as no longer forming part of the charge; but if the Promoter, on appeal, should succeed in restoring the passages in question, it would obviously become necessary to allow the Respondent an opportunity of meeting the restored charges.

In the present case their Lordships have thought it best to allow the Appellant to conduct his arguments as if the passages which he avers should not have been struck out still remained part of the record, and to found any argument upon such passages as he might be advised, provided the argument did not seek to establish a contravention by the Respondent of the 29th Article of Religion.

But their Lordships think it right to observe that it would be proper, in future, that before any Appeal be presented to Her Majesty in Council, in respect of an Order directing the reformation of Articles of Charge or other pleadings, the actual reformation which appears to the Judge to be required, should be made by him on the face of the Order, so that on Appeal the very passages omitted should be clearly brought under the judgment of this Committee, instead of an Order directing, by general reference, the nature of the alteration required.

On proceeding to the consideration of the Appeal from the final Decree of the Court of Arches, there is one point which was prominently brought forward in the opening of the case by the counsel for the Appellant, which it appears to their Lordships may be separately disposed of.

The Articles of Charge set forth several passages from the 2nd and 3rd editions of a work published by the Respondent, called "A Plea for Toleration in the Church of England, in a Letter to the Rev. E. B. Pusey." Now the 2nd edition of this work was published in 1867, and the 3rd edition in 1868. The 3rd edition contains important corrections of expressions in the 2nd edition, which expressions form part of the charge against the Respondent. The original expressions and their correction are fairly stated and

set forth by the Appellant in the 7th Article of Charge. (Appendix, page 18.) The learned Judge, in the Court below (Appendix, page 117), has stated that he has no doubt that the expressions originally used by the Respondent, viz. "the real actual and visible presence of the Lord upon the altars of our Churches," and again, "Who myself adore and teach the people to adore the consecrated elements, believing Christ to be in them—believing that under their veil is the sacred Body and Blood of our Lord and Saviour Jesus Christ,"—"contravened the plain and clear intent of the Formularies of the Church." And the learned Judge has also set forth the alterations of these statements made in the 3rd edition of the Respondent's work, and on the passages so altered has found that the Respondent has not been guilty of a contravention of the Articles as alleged by the promoter. Mr. Bennett's own words, in adopting the altered words, are as follows:—

"My meaning and that which passed through my mind in writing the original passages was precisely the same as that which is now conveyed in the words substituted, but as the original words were liable to a different construction from that in which I used them, I therefore most willingly in this edition adopt another formula to express my meaning." The learned Judge has (Appendix, page 117,) regretted that these alterations made by Mr. Bennett in his 3rd edition are unaccompanied by any expression of regret or self-reproach on the Respondent's part, for *the mischief which his crude and rash expressions have caused.* Their Lordships feel obliged to adopt the censure of the learned Judge on this point.

Upon this state of facts the learned Counsel urged that there had been no retractation of the original user, and that, in default of actual retractation, the learned Judge should have condemned the Respondent in respect of the words used by him in the 2nd edition of his work, though varied by the substituted words in the 3rd edition, and he cited several authorities for the purpose of supporting this argument.

But, without regarding the Respondent's language as a retractation, their Lordships think that it is competent for them to take into consideration any explanation that an accused person may give of the language used by him, and to determine whether such explanation is made *bonâ fide* and is entitled to credit. They attach great

importance to the fact that the third edition was published before suit, and they think that they may accept his later words as the more correct expression of the Respondent's meaning.

Principles of Doctrinal decisions in Ecclesiastical Courts.

In proceeding to consider the substance of the charges against the Respondent, their Lordships think it desirable to recall to mind the principles on which former decisions in similar cases have proceeded.

In the cases of Williams and Wilson (2 Moore's Reports, New Series, p. 423), their Lordships laid down as follows:—

"These prosecutions are in the nature of criminal proceedings, and it is necessary that there should be precision and distinctness in the accusation. The Articles of Charge must distinctly state the opinions which the Clerk has advisedly maintained, and set forth the passages in which those opinions are stated; and further the Articles must specify the doctrines of the Church which such opinions or teaching of the Clerk are alleged to contravene, and the particular Articles of Religion or portions of the Formularies which contain such doctrines. The accuser is, for the purpose of the charge, confined to the passages which are included and set out in the Articles as the matter of the accusation; but it is competent to the accused party to explain from the rest of his work the sense or meaning of any passage or word that is challenged by the accuser."

So in the judgment in the Gorham case—

"The question which we have to decide is, *not whether the opinions are theologically sound or unsound,* not whether upon some of the doctrines comprised in these opinions, other opinions opposite to them may or may not be held with equal or even greater reason by other learned and pious ministers of the Church; but whether these opinions now under our consideration, are contrary or repugnant to the doctrines which the Church of England, by its Articles, Formularies, and Rubrics, requires to be held by its ministers, so that upon the ground of those opinions the Appellant can lawfully be excluded from his benefice." . . . "This question must be decided by the Articles and the Liturgy; and we must apply to the construction of those books the same rules which have been long established, and are by law applicable to the construction of all written instruments. We must endeavour to attain for ourselves the true meaning of the language employed,

assisted only by the consideration of such external or historical facts as we may find necessary to enable us to understand the subject-matter to which the instruments relate, and the meaning of the words employed." . . . "There were different doctrines or opinions prevailing or under discussion at the times when the Articles and Liturgy were framed, and ultimately made part of the law; but we are not to be in any way influenced by the particular opinions of the eminent men who propounded or discussed them, or by the authorities by which they may be supposed to have been influenced, or by any supposed tendency to give preponderance to Calvinistic or Arminian doctrines. The Articles and Liturgy, as we now have them, must be considered as the final result of the discussion which took place; not the representation of the opinions of any particular men, Calvinistic, Arminian, or any other; but the conclusion which we must presume to have been deduced from a due consideration of all the circumstances of the case, including both the sources from which the declared doctrine was derived, and the erroneous opinions which were to be corrected." . . . "*This Court has no jurisdiction or authority to settle matters of faith* or to determine what ought in any case to be the doctrine of the Church of England. Its duty extends only to the consideration of that which is by law established to be the doctrine of the Church of England upon the true and legal construction of the Articles and Formularies."

Lord Stowell had long before said, in the case of King's Proctor *v.* Stone: "If any Article is really a subject of dubious interpretation, it would be highly *improper for the Court to fix on one meaning* and prosecute all those who hold a contrary opinion regarding its interpretation. It is a very different thing where the authority of the Articles is totally eluded, and the party deliberately declares the intention of teaching doctrines contrary to them."

To the principles thus laid down their Lordships will adhere in the present case.

The attention of the Court has been directed to the successive revisions of the Book of Common Prayer, and to alterations or omissions which have been made in it at different times. Changes by which words or passages inculcating particular doctrines, or assuming a belief in them, have been struck out, are most material as *evidence that the Church has deliberately ceased to affirm* those

doctrines in her public services. At the same time it is material to observe that the necessary effect of such changes, when they stand alone, is that it ceases to be unlawful to contradict such doctrines, and not that it becomes unlawful to maintain them. In the public or common prayers and devotional offices of the Church all her members are expected and entitled to join; it is necessary, therefore, that such forms of worship as are prescribed by authority for general use should embody those beliefs *only* which are assumed to be generally held by members of the Church.

Ritual compromises the worshippers more than preaching.

In the case of Westerton *v.* Liddell (and again in Martin *v.* Mackonochie) their Lordships say "In the performance of the services, rites, and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed; no omission and no addition can be allowed." *If the Minister be allowed to introduce at his own will variations in the rites and ceremonies that seem to him to interpret the doctrine of the service in a particular direction, the service ceases to be what it was meant to be, common ground on which all Church people may meet though they differ about some doctrines.* But the Church of England has wisely left a certain latitude of opinion in matters of belief, and has not insisted on a rigorous uniformity of thought which might reduce her communion to a narrow compass.

Dealing *only* with the third edition of the Respondent's work, and having regard to their former decision, that *the charge of contradicting the 29th Article of Religion as to the reception of the wicked should be struck out,* their Lordships may consider the remaining charges against the Respondent under three heads:—

Charges.

1. As to the presence of Christ in the Holy Communion.

2. As to sacrifice in the Holy Communion.

3. As to adoration of Christ present in the Holy Communion.

The Respondent is charged with maintaining under these three heads the following propositions:—

1. That in the Sacrament of the Lord's Supper there is an actual presence of the true Body and Blood of our Lord in the consecrated bread and wine, by virtue of and upon the consecra-

tion, without or external to the communicant, and irrespective of the faith and worthiness of the communicant, and separately from the act of reception by the communicant; and it was contended by Counsel under this head that the true Body of Christ meant the natural Body.

2. That the Communion Table is an altar of sacrifice, at which the priest appears in a sacerdotal position at the celebration of the Holy Communion, and that at such celebration there is a great sacrifice or offering of our Lord by the ministering priest, in which the mediation of our Lord ascends from the altar to plead for the sins of men.

3. That adoration is due to Christ present upon the altars or Communion tables of the churches, in the Sacrament, under the form of bread and wine, on the ground that under their veil is the Body and Blood of our Lord.

The several positions so maintained are averred, each and all, to be repugnant to the doctrines of our Church, as set forth in the Articles and Formularies in that behalf specially alleged.

Their Lordships are bound to consider, in the first place, what has been affirmed and what has been denied, in reference to the doctrine to which these three statements relate.

The 4th Article of Religion affirms:—

Statements of the Formularies.

1. That Christ did truly rise from death and took again His body, with flesh and bones and all things appertaining to the perfection of man's nature, wherewith He ascended into Heaven; and there sitteth until He return to judge all men at the Last Day.

In the 28th Article of Religion it is affirmed:—

1. "The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves, one to another, but rather is a Sacrament of our redemption by Christ's death: insomuch that to such as rightly, worthily, and with faith receive the same, the bread which we break is a partaking of the Body of Christ, and likewise the cup of blessing is a partaking of the Blood of Christ."

2. "Transubstantiation (or the change of the substance of bread and wine) in the Supper of the Lord cannot be proved by Holy Writ; but is repugnant to the plain words of Scripture, over-

throweth the nature of a Sacrament, and hath given occasion to many superstitions."

3. "The Body of Christ is given, taken, and eaten in the Supper only after a Heavenly and spiritual manner."

4. "The mean whereby the body of Christ is received and eaten in the supper, is faith."

5. "The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped."

By the 29th Article of Religion it is affirmed:—

6. "The wicked and such as be void of a lively faith, although they do carnally and visibly press with their teeth (As St. Augustine saith) the Sacrament of the body and blood of Christ, yet in no wise are they partakers of Christ; but rather to their condemnation do eat and drink the sign or sacrament of so great a thing."

By the 31st it is affirmed:—

7. "The offering of Christ once made is that perfect redemption, propitiation, and satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone." And—

8. "The sacrifices of masses, in the which it was commonly said that the priest did offer Christ for the quick and the dead to have remission of pain or guilt were blasphemous fables and dangerous deceits."

9. In the Catechism it is stated that "the Body and Blood of Christ are verily and indeed taken and received by the faithful in the Lord's Supper."

Their Lordships proceed, with these passages before them, to examine the charges made against the Respondent.

Real Presence.

The first relates to the presence of the Body and Blood of Christ in the Holy Communion.

The Church of England in the passages just cited holds and teaches affirmatively that in the Lord's Supper the Body and Blood of Christ are given to, taken, and received by the faithful communicant. She implies, therefore, to that extent, a presence of Christ *in the ordinance to the soul* of the *worthy* recipient. As to the mode of this presence she affirms nothing, except that the Body of Christ is "given, taken, and eaten in the supper *only* after an

heavenly and spiritual manner," and that "*the** mean whereby the Body of Christ is received and eaten is faith." Any other presence than this—any presence which is not a presence to the soul of the faithful receiver—the Church does not by her Articles and Formularies affirm or require her ministers to accept. This cannot be stated too plainly. The question is, however, not what the Articles and Formularies affirm, but what they exclude. The Respondent maintains a presence which is (to use his own expression) "real, actual, objective," a presence in the Sacrament, a presence upon the altar, under the form of bread and wine. He does not appear to have used the expression "in the consecrated elements" in his 3rd Edition; this is one of the points on which the language of the 2nd Edition was altered. And the question raised by the Appeal is, whether his position is contradictory or repugnant to anything in the Articles or Formularies, so as to be properly made the ground of a criminal charge.

Setting aside the Declaration at the end of the Communion Office, which will be presently considered, we find nothing in the Articles and Formularies to which the Respondent's position is contradictory or repugnant.

The statement in the 28th Article of Religion that the Body of Christ is given, taken, and eaten in the Lord's Supper, only after a heavenly and spiritual manner, *excludes undoubtedly any manner of giving*, taking, or receiving which is not heavenly or spiritual. The assertion of a "real, actual, objective" presence, *introduces, indeed, terms not found in the Articles or Formularies;* but it does not appear to affirm, expressly or by *necessary* implication, a presence other than spiritual, nor to be *necessarily* contradictory to the 28th Article of Religion.

The 29th Article of Religion, which is entitled "of the wicked which eat not the Body of Christ in the use of the Lord's Supper," and which affirms that the wicked and such as be void of a lively faith "are in no wise partakers of Christ, may *suggest, indeed, an inference unfavourable to the Respondent's statements,* but cannot be said to be plainly contradictory of them or necessarily to exclude them. The two propositions, that the faithful receive Christ in the Lord's Supper, and that the wicked are in no wise partakers of Christ,

* Medium quo.

when taken together, do not appear to be contradicted by the statement that there is a real, actual, objective presence of the Body and Blood of Christ in the sacrament* after a heavenly and spiritual manner.

The "Declaration of Kneeling" should now be considered. It is as follows:—

"Whereas it is ordained in this office for the administration of the Lord's Supper, that the communicants should receive the same kneeling (which order is well meant for the signification of our humble and grateful acknowledgment of the benefits of Christ therein given to all worthy receivers, and for the avoiding of such profanation and disorder in the Holy Communion, as might otherwise ensue), yet, lest the same kneeling should by any persons, either out of ignorance or infirmity, or out of malice and obstinacy be misconstrued and depraved, it is hereby declared, that thereby no adoration is intended, or ought to be done, either unto the sacramental bread or wine there bodily received, or unto any corporal presence of Christ's natural Flesh and Blood, for the sacramental bread and wine remain still in their very natural substances, and therefore may not be adored (for that were idolatry, to be abhorred of all faithful Christians), and the natural Body and Blood of our Saviour Christ are in Heaven, and not here; it being against the truth of Christ's natural Body to be at one time in more places than one."

This Declaration originally appeared in the second Prayer Book of Edward VI., A.D. 1552, in which book the position of kneeling was positively enjoined upon those who received the Sacrament. It was issued by the King, and was ordered by the Council to be appended to the Prayer Book, but after the book had received the sanction of Parliament, so that it was not of statutory authority. From the Prayer Book of Elizabeth (1559) the Declaration was omitted. In 1662 it was inserted in the present Prayer Book, and became of equal authority with the rest of the Prayer Book. The form of the Declaration was somewhat altered; the words "Unto any real and essential presence there being of Christ's natural Flesh and Blood" were altered to "unto any corporal presence of

* The ambiguity of the phrase "in the Sacrament" covers the double meaning of "in the (right use of the) ordinance," or, "in the material creatures of bread and wine."

Christ's natural Flesh and Blood," and the words "true natural Body" became "natural Body."

It was urged for the Appellant that, since the Church recognizes only one Body of Christ, the natural and now glorified Body which is spoken of in the Fourth Article of Religion, and since the Declaration asserts that this Body is "in Heaven and *not here*," the only presence in the Sacrament which can be held consistently with the Declaration is a presence to the soul of the communicant.

It was insisted that the word "natural" applied to the Body of Christ can convey no additional meaning, unless it be used to distinguish the true Body of Christ, which is His natural Body, from the Church, which is His Body in a mystical or figurative sense; and that the expression "corporal presence" cannot mean a presence in the manner or under the conditions in and under which material bodies are present or exist in space; that it must mean or include any presence whatever in the elements, as contra-distinguished from a presence to* the spiritual apprehension of the receiver. There can be no question, it was argued, as to the mode or manner of the presence; for no mode or manner of presence is conceivable which would reconcile the proposition that the true Body of Christ is in the elements, with the proposition that the natural Body is in Heaven and *not here*.

Their Lordships are of opinion that these inferences, whether probable or not, are by no means of that plain and certain character which the conclusion they are asked to draw from them requires. The matters to which they relate are confessedly not comprehensible, or very imperfectly comprehensible, by the human understanding; the province of reasoning as applied to them is therefore very limited; and the terms employed have not, and cannot have, that precision of meaning which the character of the argument demands. Concerning the mode of reception of the Body and Blood of Christ by the faithful communicant, the Church affirms nothing more than that it is heavenly and spiritual, and that *the means whereby we receive* is faith.

Nor can their Lordships accede to the argument that the words "Corporal Presence of Christ's natural Flesh and Blood" must be

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* See "Spiritual Presence as taught by the Ritualists," price One Penny, being Tract XCIV. published by the Church Association.

understood as the Appellant understands them, and the phrase "Corporal Presence" regarded merely as an equivalent for the different expression in lieu of which it was substituted. On the contrary, it is at the least probable that, as the Declaration itself was introduced in order to conciliate scruples in one quarter, the alteration made in it was designed to remove objections entertained against it in another.*

Their Lordships could not advise the condemnation of a clergyman for maintaining that the use in 1662 of the word "corporal" instead of the words "real and essential" in the Declaration of Kneeling was an intentional substitution, implying that there may be a real or essential presence as distinguished from a corporal presence.

The Respondent has nowhere alleged in terms a corporal presence of the natural Body of Christ in the elements; he has never affirmed that the Body of Christ is present in a "corporal" or "natural" manner. On the contrary, he has denied this, and he speaks of the presence in which he believes as "spiritual," "supernatural," "sacramental," "mystical," "ineffable."

Eucharistic Sacrifice.

II. The next charge against the Respondent is, that he has maintained that the Communion Table is an altar of sacrifice, at which the priest appears in a sacerdotal position at the celebration of the Holy Communion, and that at such celebration there is a great sacrifice or offering of our Lord by the ministering priest, in which the mediation of our Lord ascends from the altar to plead for the sins of men.

The Church of England does not by her Articles or Formularies, teach or affirm the doctrine maintained by the Respondent. That she has deliberately ceased to do so would clearly appear from a comparison of the present Communion Office with that in King Edward's First Book, and of this again with the Canon of the Mass in the Sarum missal.

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* As matter of history, the change from "real and essential presence" was made after the Great Rebellion to combat the denial by anti-Romanists of "a presence of Christ in the ordinance to the soul of the worthy receiver." The re-introduction of "the black rubric" was bitterly resented by the Duke of York (afterwards James II.) and the Romish party. See "History of the Declaration on Kneeling," in *Church Intelligencer*, ii.-95.

This subject was fully discussed before their Lordships in Westerton *v.* Liddell, when it was decided that the "change in the view taken of the sacrament naturally called for a corresponding change in the altar. *It was no longer to be an altar of sacrifice, but merely a table at which the communicants were to partake of the Lord's Supper.*"

The 31st Article of Religion, after laying down the proposition (which is adopted also, in words nearly the same, in the Prayer of Consecration), that "the offering of Christ once made, is that perfect redemption, propitiation, and satisfaction for all the sins of the whole world, both original and actual," and that "there is none other satisfaction for sin but that alone," proceeds, on the strength of these propositions, to say that "the sacrifices of masses, in the which it was commonly said that the priest did offer Christ for the quick and the dead to have remission of pain or guilt, were blasphemous fables and dangerous deceits."

It is not lawful for a clergyman to contradict, expressly or by inference, either the proposition which forms the first part of this Article, or any proposition plainly deducible from the condemnation of propitiatory masses which forms the second part of it, and is stated as a corollary to the first.

It is not lawful for a clergyman to teach that the sacrifice or offering of Christ upon the Cross, or the redemption, propitiation, or satisfaction, wrought by it, is or can be *repeated* in the ordinance of the Lord's Supper; nor that in that ordinance there is or can be *any* sacrifice or *offering of Christ which is efficacious*, in the sense in which Christ's death is efficacious, *to procure the remission of the guilt or punishment of sins.*

It is well known, however, that by many divines of eminence, the word Sacrifice has been applied to the Lord's Supper in the sense *not of a true propitiatory or atoning Sacrifice, effectual as a satisfaction for sin,* but of a rite which calls to remembrance and represents before God that one true Sacrifice. To take one example, Bishop Bull says:—

"In the Eucharist then Christ is offered, NOT HYPOSTATICALLY, *as the Trent Fathers have determined,* for so he was but once offered, but commemoratively only; and this commemoration is made to God the Father, and is not a bare remembering or putting ourselves in mind of Him. For every Sacrifice is directed to God,

and the oblation therein made, whatsoever it be, hath Him for its object, and not man. In the Holy Eucharist, therefore, we set before God the *bread and wine*, 'as figures or images of the precious Blood of Christ shed for us, and of his precious Body' (they are the very words of the Clementine Liturgy), and plead to God the merit of His Son's Sacrifice once offered on the Cross for us sinners, and in this Sacrament represented, beseeching Him for the sake thereof to bestow His heavenly blessings on us."—*Bull's Works*, vol. ii. p. 22.

The distinction between *an act by which a satisfaction for sin is made*, and a devotional rite by which the satisfaction *so made* is represented and pleaded before God, is clear, though it is liable to be obscured, not only in the apprehension of the ignorant, but by *the tendency of theologians to exalt the importance of the rite till the distinction itself well nigh disappears.* To apply the word sacrifice in the sense in which Bishop Bull has used it to the ordinance of the Lord's Supper, though it may be liable to abuse and misapprehension, does not appear to be a contravention of any proposition legitimately deducible from the 39th Article. It is not clear to their Lordships that the Respondent has so used the word "sacrifice" as to contradict the language of the Articles.

Adoration.

III. Their Lordships now proceed to the third charge, which relates to the adoration of Christ present in the Sacrament.

The 20th and 27th Articles of Charge contain the false doctrines alleged to be held by Mr. Bennett. The 20th charges that he affirms the doctrine that adoration or worship is due to the consecrated bread and wine.

The 27th, that he affirms that adoration is due to Christ present upon the altars of our churches in the Sacrament* of the Holy Communion, under the form of bread and wine, on the ground that under their veil is the sacred Body and Blood of our Lord (the passages referred to for proof are set out in the 7th Article).

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* N.B.—Note the ambiguity of the phrase "in the Sacrament" contrasted with "a presence of Christ in the ordinance to the soul of the worthy receiver," as defined above, p. 13.

The 31st Article charges that these doctrines are contrary to the 28th article of Religion, and the Declaration on Kneeling.

The passages relied on as the ground of these charges are the following:—

"The reader will observe that in the two first editions, at page 3, the words were: '*The real actual and visible Presence of our Lord upon the altars of our Churches.*' In the present edition he will find at page 2 the following words substituted: '*The real and actual presence of our Lord under the form of bread and wine upon the Altars of our Churches.*' He will also observe that, at page 14 in the former editions the words were:—'*Who myself adore and teach the people to adore the consecrated elements, believing Christ to be in them—believing that under their veil is the sacred Body and Blood of my Lord and Saviour Jesus Christ.*' He will now find the following words substituted:—'*Who myself adore and teach the people to adore Christ present in the Sacrament, under the form of Bread and Wine, believing that under their veil is the sacred Body and Blood of my Lord and Saviour Jesus Christ.*'"

"The three great doctrines on which the Catholic Church has to take her stand are these:—I. The real objective presence of our blessed Lord in the Eucharist; II. 'The sacrifice offered by the priest;' and, III. 'the adoration due to the presence of our blessed Lord therein."

"Well, I do not know what others of my brethren in the priesthood may think,—I do not wish to compromise them by anything that I say or do,—but seeing that I am one of those who burn lighted candles at the altar in the daytime; who use incense at the Holy Sacrifice; who use the Eucharistic Vestments; who elevate the Blessed Sacrament; who myself adore, and teach the people to adore, Christ present in the Sacrament, under the form of bread and wine; believing that under their veil *is the sacred Body and Blood of my Lord and Saviour Jesus Christ;*—seeing all this it may be conceived that I cannot rest very much at ease under the imputations above recited."

Their Lordships agree with the learned Judge of the court below that the doctrine charged in the 20th Article, namely, that adoration is due to the *consecrated* elements, is contrary to law, and *must be condemned.* But they have admitted, as the learned Judge has done, Mr. Bennett's explanation of that language, and therefore they are not called upon to condemn Mr. Bennett under the 20th Article. The 27th Article of Charge therefore alone remains for decision; it is as follows:—

"That in or by the passages lettered N, O, and S, hereinbefore set forth in the seventh preceding Article you have maintained or affirmed and promulgated the doctrine that adoration is due to Christ, present upon the Altars (thereby referring to the Communion Tables) of the Churches of the said United Church of England and Ireland in the Sacrament of the Holy Communion under the form of bread and wine, on the ground that under their veil is the sacred Body and Blood of our Lord and Saviour Jesus Christ."

Their Lordships have now to consider whether or not the passages from the Respondent's writings above set forth are necessarily repugnant to or contradictory of the 28th Article of Religion, or of the Declaration of Kneeling, as alleged in the 31st Article of Charge.

The Declaration of Kneeling states that, by the direction that the communicants shall receive the consecrated elements kneeling, "no adoration is intended or ought to be done either to the Sacramental bread and wine there bodily received, or to any corporal presence of Christ's natural Flesh and Blood."

According to this declaration, neither the elements nor any corporal presence of Christ *therein* ought to be adored.

The 28th Article lays down that "the Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up or worshipped."

In the 25th Article it had been affirmed that "the Sacraments were not ordained by Christ to be gazed upon, or to be carried about, but that we shall duly use them."

It was laid down in Martin *v.* Mackonochie that such acts as the elevation of the cup and paten, and kneeling and prostration of the minister before them, were unlawful, because they were not prescribed in the Rubric of the Communion Office, and because acts not prescribed were to be taken as forbidden. Their Lordships in that judgment adopted the words of the committee in Westerton *v.* Liddell; "for the performance of the services, rites, and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed; no omission and no addition can be permitted."

It follows then that the Church of England has forbidden all acts of adoration to the Sacrament, understanding by that the consecrated

elements. She has been *careful to exclude any act of adoration on the part of the minister at or after the consecration of the elements* and to explain the posture of kneeling prescribed by the Rubric. If the charge against Mr. Bennett were that he had performed an outward act of adoration on any occasion in the service, the principles laid down in Martin *v.* Mackonochie would apply to this case. Such an act could not be done except in the service, because the Sacrament may not be "reserved." But even if the Respondent's words are a confession of an unlawful act, it is questionable whether such a confession would amount to false doctrine. And it is also fair to remember, in the Respondent's favour, that the judgment in the case of Martin *v.* Mackonochie, which established the unlawfulness of introducing acts of adoration, was not delivered until December 23, 1868, after the publication of the words that are now impugned. Some of their Lordships have doubted whether the word "adore," though it seems to point rather to acts of worship such as are forbidden by the 28th Article, may not be construed to refer to mental adoration, or prayers addressed to Christ present spiritually in the Sacrament,* which does not necessarily imply any adoration of the consecrated elements or of any corporal or natural presence *therein.*

Upon the whole, their Lordships, not without doubts and division of opinions, have come to the conclusion that this charge is *not so clearly made out as the rules which govern penal proceedings require.*, Mr. Bennett is entitled to the benefit of any doubt that may exist. His language has been rash, but as it appears to the *majority* of their Lordships that his words *can be construed so as not to be plainly* repugnant to the two passages articled against them, their Lordships will give him *the benefit of the doubt* that has been raised.

Their Lordships having arrived at the conclusion that they must advise Her Majesty that the Appeal must be dismissed, feel bound to add that there is much in the Judgment of the learned Judge in the Court below with which they are unable to concur. The learned Judge *has endeavoured to settle* by a mass of authorities *what is the doctrine of the Church of England* on the subject of the Holy Communion.

Censure of Sir R. Phillimore's partisan unfairness.

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* See note p. 19.

It is not the part of the Court of Arches nor of this Committee, *to usurp the functions of a Synod or Council.** Happily their duties are much more circumscribed, namely, to ascertain whether certain statements are *so far* repugnant to, or contradictory of, the language of the Articles and Formularies, construed in their plain meaning, that they should receive judicial condemnation.

Their Lordships will not attempt to examine in detail the catena of authorities which the Judge of the Arches has brought together, nor that of the learned Counsel who appeared for the Appellant.

Value of "Authorities."

No mode of argument is more fallacious on a subject so abstruse and of so many aspects; short extracts, even where candidly made, as in this case, give no fair impression of an author's mind. Thus Dean Jackson is quoted in the judgment; but the quotation *omits the preceding sentence*† *which gives to the whole passage a meaning difficult to reconcile with the purpose for which it is used;* while the opinion of this eminent divine would have been more correctly represented by referring also to the following remarkable passage in a previous chapter of this work: "What need then is there of His bodily presence in the Sacrament, or any other presence than the influence or emission of virtue from His heavenly sanctuary *into our souls?* He has left us the consecrated elements of bread and wine, to be unto us more than the hem of His garment. If we do but touch and taste them with the same faith by which this woman touched the hem of His garment, our same faith shall make us whole."‡ Several of those who are cited by the learned Judge are living persons of greater or less note, who cannot rank as authorities for the history of a great controversy.

One of the authorities is so questionable, that it requires a passing examination. The learned Judge, after quoting the 28th Article of Religion, introduces as "a '*contemporanea expositio*,' from the compiler of this Article, which cannot, I think, be gainsaid," a letter from Bishop Gheast to Cecil, under the date 1556 (probably a mistake for 1566) explaining the sense which he put upon the word "only" in the 28th Article. Gheast does not say that he was the "compiler" of the 28th

Bishop Geste on Art. 28.

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* Compare above p. 9. † Works, Vol. x. p. 41.
‡ Works, Vol. ix. p. 611.

Article, all but one sentence of which had been in substance in the Articles of 1552; and the context shows that he used the word "Article" only of this sentence, which, he says, was "of mine own penning." Upon the faith of this letter, genuine or not, avowedly written for a personal purpose ("for mine own purgation") is founded an exposition of the words "only after a heavenly and spiritual manner," as meaning that though a man "took Christ's Body in his hand, *received it with his mouth*, and that *corporally*, naturally, really, substantially, *and carnally* . . . yet did he not for all that see it, feel it, smell it, nor taste it." Upon this alleged exposition their Lordships feel themselves free to observe that the words "only after a heavenly and spiritual manner," do not appear to contain or involve the words "corporally, naturally, and carnally," *but to exclude them; and that it is the Article, and not the questionable comments of a doubtful letter written for personal motives, which is binding on the clergy and on this Court.*

Their Lordships recall once more, in acknowledging the learning that has been brought to bear upon this case, the principle which this Committee has long since laid down. "There were different doctrines or opinions prevailing or under discussion at the times when the Articles and Liturgy were framed, and ultimately made part of the law; but we are not to be in any way influenced by the particular opinions of the eminent men who propounded or discussed them, or by the authorities by which they may be supposed to have been influenced, or by any supposed tendency to give preponderance to Calvinistic or Arminian doctrines. The Articles and Liturgy, as we now have them, must be considered as the final result of the discussion which took place; not the representation of the opinions of any particular men, Calvinistic, Arminian, or any other; but the conclusion which we must presume to have been deduced from a due consideration of all the circumstances of the case, including both the sources from which the declared doctrine was derived, and the erroneous opinions which were to be corrected."*

Citations from established authors may be of use to show that "the liberty which was left by the Articles and Formularies has been actually enjoyed and exercised by the members and ministers

* Judgment of Privy Council, Gorham Case.

of the Church of England."* But, to say the least, very few of the quotations in the judgment exhibit the same freedom of language as do the extracts from Mr. Bennett. And after every authority had been examined, there would still remain the question that is before this Committee, whether the license or liberty is really allowed by the Articles and Formularies—whether anything has been said by the Respondent which plainly contradicts them. *If the Respondent had made statements contradicting the Articles or Formularies, the citation of great names would not have protected him; if he has not done so, he is safe without their protection.*

There is one passage in the judgment which seems especially to call for comment:—

"With respect to the second and corrected edition of his pamphlet, and the other work for which he is articled, I say that the objective, actual, and real presence, or the spiritual, real presence, a presence *external to the act of the communicant,* appears to me to be *the doctrine* which the Formularies of our Church, duly considered and construed so as to be harmonious, intended to maintain. But I do not lay down this as a position of law, nor do I say that what is called the Receptionist doctrine is inadmissible; nor do I pronounce on any other teaching with respect to the mode of presence. I mean to do no such thing by this judgment. I mean by it to pronounce only that to describe the mode of presence as objective, real, actual, and spiritual, is certainly not contrary to the law."

Their Lordships regret that the learned Judge should have put forth *this extra-judicial statement,* in which he adopts words that are not used in the Articles or Formularies as expressing their doctrine. *The word "receptionist" is as foreign to the Articles as the word "objective."* Their Lordships have already said that any presence that is not a presence to the soul of the faithful receiver, the Church does not by her Articles and Formularies affirm. They need not ask whether there is really any doubt as to the admissibility of the doctrine of Hooker and Waterland, who appear to be described as "Receptionists," in the Church of which they have been two of the greatest ornaments.

Their Lordships have not arrived at their decision without great

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* Judgment of Privy Council, Gorham Case.

anxiety and occasional doubt. The subject is one which has always moved the deepest feelings of religious men, and will continue to do so. There might have been expected from a theologian dealing with this subject, if not a charitable regard for the feelings of others, at least a careful preparation and an exactness in the use of terms. The very divine* whose opinions Mr. Bennett seems to have sought to represent, was obliged himself to point out how erroneous was his statement of those opinions. The Respondent corrected the manifest error without an expression of regret at the pain he may have caused to many by his careless language. *Even in their maturer form, his words are rash and ill-judged, and are perilously near a violation of the law.* But the Committee have not allowed any feeling of disapproval to interfere with the real duty before them, to decide whether the language of the Respondent was so plainly repugnant to the Articles and Formularies as to call for judicial condemnation: and, *as these proceedings are highly penal, to construe in his favour every reasonable doubt.*

There will be no order as to costs, as the Respondent had not appeared.

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* Dr. Pusey.

To be obtained at the Office of the CHURCH ASSOCIATION, 14, Buckingham Street, Strand, London, at the price of 2*d* each or 12*s* per 100.

5th Thousand.]

THE

DEAN OF PETERBOROUGH'S PLAN.

(*Abridged, by permission, from the* RECORD, *November 8th*, 1889.)

The following paper was read by MR. CHANCELLOR DIBDIN *at a Conference of Churchmen.*

THE Dean of Peterborough's Plan is thus stated by himself:—

"I wish to see Convocation declare plainly that the Ornaments Rubric should be taken in its natural and obvious sense (without the insertion of a negative) as defining the maximum of allowable ritual. But then the rubric so taken must be permissive not compulsory; and as regards vestments, let it be clearly understood that while those in use in the second year of Edward VI. are legalized, it shall be sufficient if at all times of his ministration a clergyman wear surplice, hood, and stole, or scarf."

. . . I have no doubt the Dean of Peterborough knows what he means, but I am not sure that he has told us, and, moreover, I have not observed that those who have approved or those who have disapproved "the Plan" have troubled themselves as to its particular meaning. . . . A compromise without precision is apt, in settling one dispute, to create two or three more. . . . The Ritual struggle has concerned itself with three matters:—

(1) Ceremonies, *e.g.* the singing of the "Agnus Dei" after the Prayer of Consecration.
(2) Ornaments of the Church, *e.g.* altar lights.
(3) Ornaments of the minister, *e.g.* vestments.

The Ornaments Rubric, as its name denotes, relates only to the two last heads. Does the Dean then propose to leave the law as to *ceremonies* on its present footing, or does he propose any, and if so what alterations, and what is to be the new basis of reference and test of legality? A compromise which permitted the resuscitated ornaments and forbade the accompanying ceremonies would in practice produce, I venture to think, singular results. I do not know whether it will be suggested that the "use in the second year of Edward" or "the First Prayer Book of Edward" is to be the criterion and limit of

concession. If the former, the limits of concession will be wide indeed. If the latter, they will be wide in some directions, while in others they will be narrower than some of our Anglican friends will find it easy to accept. For instance, incense is not, so far as I know, authorized by the First Prayer Book. A reference to the First Prayer Book or to the second year of Edward would be an entire novelty with regard to ceremonies, and it may not be in anybody's mind. But, at any rate, if there is to be a legalization of hitherto prohibited ceremonies, those who are asked to agree to the Dean's Plan can hardly be blamed if they confess to a modest curiosity as to what it is they are to agree to.

But now about the ornaments. The intention is, as I understand it, to render everything authorized by the First Prayer Book legal, but as a maximum only, the ritual of the Prayer Book of Charles II., as construed by the Privy Council, being retained as the legal minimum. The Dean's phrase is ambiguous even here. He says, "Those in use in the second year of Edward VI. are to be legalized." The rubric refers to those in use by "the authority of Parliament in the second year of Edward." *The difference is extremely important.* Notwithstanding all the controversy which has raged round this *damnosa hereditas* of the Reformation, the Ornaments Rubric, there has been virtual unanimity in this, that the words "by the authority of Parliament in the second year of Edward," denote what is authorized by the First Prayer Book of Edward. But the omission of the condition as to the authority of Parliament seems to open the door to a much wider question, viz., what as a matter of fact was the practice as to ornaments in the second year of Edward? No sooner had the Dean propounded his Plan than a learned member of the Church Association, Mr. J. T. Tomlinson, hastened to point out with consternation that "the crucifix, pyx or tabernacle, holy water vat, and all the paraphernalia of the seven sacraments were in legal use throughout that year," though *not* "by authority of Parliament." . . . But I rather suppose the Dean's proposal is limited to the First Prayer Book, and that it is only by an accident that his words have a wider application. Taking them in this sense, the result would be to legalize some, but not all (*e.g.* not the amice or the maniple) of what are known as "the vestments," and some of the ornaments of the Church to which we have become accustomed in Ritualistic churches. But, on the other hand, altar lights, *i.e.* lights on the altar or re-table during Holy Communion, when not necessary for illuminating purposes, would remain illegal. Is this intended? Do the Anglican clergy and their newspapers mean that they are willing to

surrender, say, altar lights, if they may wear some of the vestments without offence, or do they mean that they will accept the enabling half of the Plan without acknowledging its disabling half; in fact, that they will do these things without leaving the others undone? . . . To sum up, then, this part of the subject, the Dean's Plan appears defective because—

(i.) It does not touch ceremonies at all.
(ii.) It is ambiguous as to what the test of legality which we are invited to accept really is.
(iii.) It draws the line between the legal and the illegal in a manner which, under existing circumstances, seems arbitrary and anomalous.

. . . I pass on to consider what would be the result if the Dean of Peterborough's Plan were generally approved and supported. He speaks of Convocation, but I need not remind him or you that the power of action of that ancient body is sadly inferior to its capacity for disquisition, and that, great as is the reverent attention which its utterances evoke from us all, we have noticed, some of us thankfully, how seldom anything comes of them. Before Convocation can deal with the Ornaments Rubric, Letters of Business from the Crown must issue, unless, indeed, the old Letters are still operative under which, for many years, Convocation vainly strove to find a remedy for this very difficulty. Then Convocation, which, to put it gently, does not always reflect public opinion with exactitude, has to agree, and then Parliament has to sanction the new rubric; for, of course, any alteration in the Prayer Book is a breach of the Act of Uniformity until itself affirmed and made law by an amending Act of Uniformity. I shall leave to others to estimate the practical chance of getting such a Bill through Parliament. With the condition given of the three great parties of Churchmen agreed as to it, the task is not, perhaps, quite hopeless or desperate, though I notice that Sir E. Clarke, the Solicitor-General, recently pronounced it "absolutely out of the question." These are his words :—

"I see that Diocesan Conferences are being held all over the country, and I have seen that at many of these Conferences Resolutions have been passed in favour of a statute law being enacted, which shall allow a greater diversity of ritual in the churches in this country than is allowed under the law as it at present stands. I should like to say in all frankness and in perfect friendliness that I am sorry to see good men wasting their time. Those who are supporting or passing Resolutions of that kind may be perfectly assured that the idea that at any time any Parliament, under any conceivable political circumstances, will pass such an Act of Parliament as that,

is as wild a chimera and as absolute a delusion as ever occurred to the mind of man."

At any rate I will assume the new rubric constructed and the Act placed in the Statute Book.

What then? How would the Church stand with reference to the extreme section? To a large extent the illegality of Ritualism would have disappeared because it would have been legalized, but there would still be a considerable fringe of practice both as regards ceremony and ornament which even according to the new rubric would be illegal. Would those of the clergy whose present ritual exceeds the limits of the proposed concession moderate their practice? Would there be no further flights of ritual resuscitation or imagination? For instance, I notice in to-day's *Times* an extraordinary account, I do not know whether it be true, of the dedication of a private chapel. There was a rood with images of the Virgin and St. John, a baldachino over the high altar, a crucifix on the super-altar, a tabernacle for the reserved sacrament with a silver lamp suspended in front of it. The Bishop of the diocese, assisted by another English Bishop, officiated in a gorgeous cope, on the back of which the figures of the Virgin crowned and of the Holy Child were embroidered. Holy Communion was celebrated, but there were no communicants. The use of the First Prayer Book of Edward sounds quite tame and tasteless after this.

It is probable that we shall be told that, while it is impossible to answer for the vagaries or the obstinacy of individuals, the leaders and the responsible men would use their influence to procure a loyal observance of the new compact. . . . But would they succeed? What guarantee will be given that in this, as in so many other matters, the tail will not wag the head? I can remember that five-and-twenty years ago it was said that, if once it were decided that the then new practices were illegal, they would be renounced. It was so decided, and the only result was a renewed crusade against the jurisdiction of the Ecclesiastical Courts. What is there to prevent a recurrence to the favourite plea for innovation, which has been urged again and again in this controversy, that ceremonies and ornaments not forbidden, *because not mentioned*, are permissible? It is obvious that a conscientious belief in that proposition will enable the meekest curate to drive a coach and six through the new rubric however stringently worded. Moreover, the differences between the legal and the illegal would in many respects be so slight and so meaningless, that the only justification for repression would be the necessity of loyally carrying out the compromise. And who will care two straws fifty years hence,

or even five years hence, about understandings and undertakings entered into between us to-day? The law itself, and not the virtuous intentions and generous confidences of those who made it, will be alone regarded by anybody. . . .

So far as I have had opportunities of judging, High Churchmen, and especially the extreme section, are very cordially favourable to the plan. It would be singular if it were otherwise. But public interest is, or rather was, recently more directed to the question what line the Low Church or Evangelical party would take in the matter. Now, despite the kindly and courteous tone of the Dean himself, and despite the cordiality and respect cherished for him by Evangelicals, amongst whom he has always been regarded rather as a valued ally than as a leader, I cannot think the advocacy of some of the patrons of the Plan has been altogether judicious. . . . The Dean of Peterborough's proposal is one of a chain of efforts which are intimately connected with the prosecution of Bishop King.

In the first instance, well-meaning people, and especially the Editor of the *Guardian*, not discerning that the days are gone by for memorials and remonstrances and similar sententious demonstrations which lead to nothing, were very anxious indeed that Evangelical Churchmen should protest against the prosecution of so good a man. That effort was a failure, principally, I believe, because men did not see how they could come to the rescue of Dr. King without seeming to condone the ritual offences alleged to have been committed, and this latter they were unable to do. Then, on the eve of the proceedings, a somewhat mysterious gathering was convened, and the Dean of Peterborough was the summoner. It was to consist of a few High Churchmen, a few Broad Churchmen, and a few Low Churchmen, and the notion was to see whether terms of compromise could not be arranged which would prevent the prosecution. I was asked to go but I declined, because it seemed to me that the whole thing was misconceived. . . . I should have felt myself guilty of an impertinence if I had thus intruded in a matter in which my help was not sought, and in which I had not the slightest right to claim a voice. So far as I know, every other negotiator on the Low Church side, with one exception, was similarly disqualified. The Conference came to an untimely end, because everybody present had a separate and distinct plan, and would listen to no other. Thus, by making itself a little ridiculous, the Conference was saved from the more ignominious fate of having its conclusions repudiated by the principals, whose agents the members professed to be.

Evangelicals having refused to defend Bishop King, and the secret Conference having broken down, the Dean of Peter-

borough next brought out his Plan to be looked at. The *Guardian* received it with "genuine pleasure," and for some weeks consecutively devoted a leading article to its commendation. Evangelicals were told, though they did not know it, that it was *their* plan, and they were congratulated in somewhat imperious tones upon their unconscious achievement. . . .

I will quote from a recent article in the *Record* a passage in which, though mixed with more or less disputable matter, the situation is stated with fair accuracy.

"In some respects our position may be described as weak. We are a minority. Our views are unfashionable, and they are out of harmony with the indifferentism which is the popular creed of the day. But in reality the Evangelical position is one of commanding strength. We have the obvious sense of the Prayer Book and formularies on our side. History is on our side; and, lastly, the law is on our side. History tells us that the Reformers intended to make our Church Protestant. Popular belief has always held that they had done so, and now, of late years, the law has solemnly decided that what was intended to be done, and supposed to have been done, really was done, definitely and effectively. Our theoretical position is thus impregnable. Then practically, although it may be that a majority are against us, the balance of political parties, and the difficulties of legislation are such that the majority are powerless to change the law of the Church on any matter of moment without the consent of the Evangelical body. Put plainly and bluntly, that is the situation."

In other words, the Evangelical party are a garrison fighting against superior numbers, but with certain great advantages of position and behind strong entrenchments. The proposal is that they should evacuate the position and step outside their entrenchments. Is it wonderful that they hesitate? We know, they say, that like good David in his young days, we are "neither noble nor grand," and we hear with submission from Dr. Littledale that we are a dwindling and despicable minority without intelligence or learning or capacity, but we should be more even than this, we should be lunatics if we abandoned such advantages as we possess without great and overwhelmingly good reason.

Does overwhelmingly good reason exist for the proposed compromise or surrender, call it which you please? That is the last and the gravest point on which I shall trouble you. I admit this, and I believe nine out of every ten Low Churchmen will agree with me, that nothing but matters of substantial and profound importance can justify the continuation of a struggle which is a standing danger to the Church, paralyzing its energies, marring its usefulness, disgusting the world outside, and imperilling the union of Church and State. I suppose we are all, on both sides, sick to death of the conflict. For my part,

I have repeatedly resolved that I would never again open my lips in public on the subject, and I only do so when, as to-night, some malign fate forces me to break my resolution. As it is with me, so it is with thousands of others.

That the issue is one of vast importance will not, I suppose, be seriously denied by the majority on either side. I know there are persons whose happy faculty it is never to see the relation of one thing to another, and who are able to think of the affair as a mere fight about the colours of robes and the position of kneeling hassocks. The same type of mind would have deeply questioned the necessity at Waterloo of spending tens of thousands of lives in attacking and defending a dilapidated farm-house like Hougoumont. Yet the fate of the battle depended on it. A man cannot be blamed if he refuses to look at the great Ritual struggle of the last thirty or forty years as merely a question of construing an Act of Parliament or a rubric. *Everybody knows and feels that it is a great deal more.* Both sides are perfectly sincere and deeply in earnest. The Anglican claims for what he calls Catholic teaching and Catholic practice, acknowledged toleration in the Church of England. The Evangelical, supported by the authority of the *de facto* Courts, says that neither the one nor the other is really Catholic, or has, or ought to have, a place in our midst. That is a terribly definite issue, which no blinking at facts and balancing of phrases will permanently conceal. It must be fought out, and it has not been fought out yet. You may call it fate, or you may call it Providence, but there come every now and again crises in which it is clear to all that whether the parties desire it or not there must be conflict, which must last till one side or the other is utterly beaten. The revolt of the Netherlands from Philip II. of Spain is an instance. Statesmen fear that Germany and Russia may furnish another in the near future. I believe when the Church history of this century comes to be written it will be seen that the Ritual struggle is of the same nature. I know it is said that the Bennett case decided that the teaching of which Ritualism is the outward expression is permissible in the Church because Mr. Bennett was acquitted. The Dean of Peterborough thinks so, though at the same time he is convinced that the teaching thus legalized "is not only at variance with Scripture but differs altogether from that of the great divines of our Church." *The nonchalance with which the Dean accepts the situation*, as he conceives it, *is perhaps a little startling*, but I confess his view is unintelligible to me. I am not going to persecute you with extracts from the Judgment. But what it comes to is this—the Eucharist is not a sacrifice in a propitiatory sense, and there is no corporal or other than spiritual presence

in the Sacrament. Mr. Bennett's words were held to be not so clearly repugnant to the law thus laid down as to warrant his condemnation. But if that legalized the errors he was supposed to hold, but just failed to express, it would not be difficult to show that the negative of nearly every article in the Creed has been legalized within the Church of England. There are living champions of heresies of all kinds against whom, however, no prosecution would have the faintest chance of success. I will only add that in saying that the battle must be fought out, and is incapable of effectual compromise, I am not indicating how it is to be fought or what is likely to be the issue. For myself, I do not believe in litigation as to these matters. To some I suppose the position seems weak and nerveless. But for my part I feel no ambition as a private individual to assist to prosecute a clergyman for offences which are against the Church herself far more than against any parish or parishioner. . . . But this passive attitude only seems to me a totally different thing from setting to work to procure the sanction of the Church and of the law to his irregularities. And as to the issue, I do not profess to foresee it. The Anglicans are very confident, and not without some reason. On the other hand the struggle, long as it has lasted, is not, I believe, nearly ended yet. And, when the end comes, it will probably be a good deal different from what any of us expect.

A DEFENCE OF THE CHURCH ASSOCIATION,

IN REPLY TO

TWO ATTACKS BY SYDNEY GEDGE, ESQ., M.P.,

SOLICITOR TO THE SCHOOL BOARD,

In the "Churchman" of May and September, 1889,

By HENRY MILLER, Secretary.

PRICE TWOPENCE.

LONDON: CHURCH ASSOCIATION, 14, BUCKINGHAM STREET, W.C.

To be obtained at the office of the Church Association, 14, Buckingham Street, Strand, London, at the price of 5*d* per doz., or 3*s* per 100.

4th Thousand.]

FOLKESTONE
RITUAL CASE.

JUDGMENT

OF

The Lords of the Priby Council,

IN

RIDSDALE *v.* CLIFTON,

On Appeal from the Court of Arches,

MAY 12th, 1877.

London:
CHURCH ASSOCIATION, 14, Buckingham Street,
J. F. SHAW & Co., 48, PATERNOSTER ROW.
J. KENSIT, 18, PATERNOSTER ROW.
No. CX.]

PREFACE.

The ipsissima verba *of the Judgment have been given throughout, but italic type has occasionally been employed to bring out salient points; Marginal headings have been added; and such Notes as are enclosed in square brackets formed no part of the original.*

J. T. T.

JUDGMENT

OF THE

Judicial Committee of the Privy Council on the Appeal of the Rev. C. J. Ridsdale, Clerk, v. Clifton, from an Order of the Judge as Official Principal of the Arches Court of Canterbury; delivered 12th May, 1877.

Present at the hearing of the Appeal:—LORD CHANCELLOR (*Cairns*), LORD SELBORNE, SIR JAMES W. COLVILE, LORD CHIEF BARON (*Kelly*), SIR ROBERT PHILLIMORE, LORD JUSTICE JAMES, SIR MONTAGUE E. SMITH, SIR ROBERT P. COLLIER, SIR BALIOL BRETT, SIR RICHARD AMPHLETT. *Episcopal Assessors:*—ABP. OF CANTERBURY (*Tait*), BISHOPS OF CHICHESTER (*Durnford*), ST. ASAPH (*Hughes*), ELY (*Woodford*), ST. DAVIDS (*Jones*).

THE Appeal of Ridsdale *v.* Clifton, in which their Lordships have now to state the recommendation which they propose humbly to make to Her Majesty, is an Appeal to Her Majesty in Council brought by the Rev. Charles Joseph Ridsdale, Clerk, Incumbent, or perpetual Curate of St. Peter, Folkestone, against an Order or Decree pronounced by Lord Penzance, as Judge or Official Principal of the Arches Court of Canterbury, on the 3rd of February, 1876.

This Judgment specified various matters as to which it declared that the Appellant had offended against the laws ecclesiastical; but the Appeal is brought in respect of four only of these matters, and it is to these only that the observations of their Lordships need be directed.

SUBJECTS OF APPEAL.

The four matters as to which the Appeal complains of the Judgment are these:—

1. The wearing during the service of the Holy Commun. ion of vestments known as an alb and a chasuble.

2. The saying the Prayer of Consecration in the service of the

Holy Communion, while standing at the middle of the west side of the Communion Table, in such wise that the people could not see the Appellant break the bread or take the cup into his hand.

3. The use, in the service of the Holy Communion, of wafer-bread or wafers, to wit, bread or flour made in the form of circular wafers, instead of bread such as is usual to be eaten.

4. The placing and unlawfully retaining a crucifix on the top of the screen separating the chancel of the church from the body or nave.

There were eight other charges against the Appellant, as to all of which he was admonished by the learned Judge, but as to none of which is there any Appeal.

Of the four charges which are the subject of Appeal, the three first were considered by the learned Judge to be covered by the decision of this Committee in the case of *Hebbert* v. *Purchas*, and by the Order of Her Majesty in Council made in that case; and as to them he did not exercise any independent judgment.

The fourth charge, as to the crucifix, the learned Judge did not consider to be covered by authority otherwise than indirectly and by implication.

Finality of Privy Council Judgments.

Their Lordships have had to consider, in the first place, how far, in a case such as the present, a previous decision of this Tribunal between other parties, and an Order of the Sovereign in Council founded thereon, should be held to be conclusive in all similar cases subsequently coming before them. If the case of *Hebbert* v. *Purchas* is to be taken as absolutely conclusive of every other case, with the same or similar facts, there can be no doubt that the decision of the learned Judge on the first three heads, being in accordance with that of *Hebbert* v. *Purchas*, was correct.

In *Hebbert* v. *Purchas*, the Defendant did not appear, either before the Dean of Arches or before the Judicial Committee; but, after the decision of the Judicial Committee was pronounced against him, he presented a Petition praying for a rehearing.

The Judicial Committee to whom that Petition was referred were of opinion that, to have granted such an application, would have been to violate the spirit of the 2nd and 3rd William IV. cap. 92, which transferred the powers of the Court of Delegates to

the Sovereign in Council, and provided that every Judgment, Order, and Decree should be final and definitive, and that no Commission should thereafter be granted or authorized to review any Judgment or Decree made under that Act.

All that this decided was the finality of that Judgment *inter partes;* and the propriety of its being held final in that case was the more obvious from the fact that a Defendant not appearing in the Primary Court or on the Appeal might be supposed to be lying by, taking the chance of a decision in the first instance, and then trying to get rid of it when it turned out to be unfavourable.

The present case, however, raises the question of finality not *inter partes*, but as against strangers.

In the case of decisions of final Courts of Appeal on questions of law affecting civil rights, especially rights of property, there are strong reasons for holding the decisions, as a general rule, to be final as to third parties.

The law as to rights of property in this country is to a great extent based upon and formed by such decisions. When once arrived at, the decisions become elements in the composition of the law, and the dealings of mankind are based upon a reliance on such decisions.

Even as to such decisions it would perhaps be difficult to say that they were, as to third parties, under all circumstances and in all cases absolutely final, but they certainly ought not to be reopened without the very greatest hesitation.

Their Lordships are fully sensible of the importance of establishing and maintaining, as far as possible, a clear and unvarying interpretation of rules the stringency and effect of which ought to be easily ascertained and understood by every Clerk before his admission to Holy Orders.

On the other hand, there are not, in cases of this description, any rights to the possession of property which can be supposed to have arisen by the course of previous decisions; and in proceedings which may come to assume a penal form, a tribunal, even of last resort, ought to be slow to exclude any fresh light which may be brought to bear upon the subject.

Purchas J. not final because only heard ex parte.

It is further to be borne in mind that in the case of *Hebbert* v. *Purchas*, the Judicial Committee, although they had before them a learned and able

Judgment of the then Dean of Arches in favour of Mr. Purchas, on the points now raised, had not the advantage of an argument by Mr. Purchas' Counsel on those points.

These considerations have led their Lordships to the conclusion that, although very great weight ought to be given to the decision in *Hebbert* v. *Purchas*, yet they ought in the present case to hold themselves at liberty to examine the reasons upon which that decision was arrived at, and if they should find themselves forced to dissent from those reasons, to decide upon their own view of the law.

VESTMENTS.

Their Lordships will now proceed to consider the first charge against the Appellant, namely, that of wearing an alb and chasuble. They will, however, premise that they do not propose to express any opinion upon the vestures proper to be worn by Bishops, as to which separate considerations may arise; and in referring to the dress of the parochial clergy, they will, for greater convenience, use the term "vestments" for the purpose of denoting the alb and chasuble or cope, as distinguished from the surplice.

The argument of the Appellant on this head, which was very clearly and very forcibly stated, may be thus summed up. The Ornaments Rubric, he contends, in the revised Prayer Book of 1662 is now the *only* law as to the vesture of the clergy. It contains within its one sentence *all* that is now enacted upon that subject. It sweeps away all previous law as to the vesture of the clergy, whether that law was to be found in Statute, Canon, Injunction, or otherwise. It authorizes the use of all ornaments which had the Parliamentary authority of the First Prayer Book of Edward the Sixth. The vestments in question are among the ornaments which had this Parliamentary authority; therefore it authorizes the use of the vestments in question.

Ornaments Rubric not the only, nor the primary authority.

To this reasoning, *if the first proposition in the series be correct* in point of fact and law, no exception could, probably, be taken. Their Lordships, however, are unable to accept that proposition. They are of opinion that it is a misapprehension to suppose that the Rubric note of 1662 as to ornaments was intended to have, or did have, the effect of repealing the law as it previously stood, and of substituting for that previous law another and a different law,

formulated in the words of that Rubric note, and of thus making the year 1662 a new point of departure in the legislation on this subject.

Before, however, proceeding to trace the history of the law, their Lordships must observe upon the expression in the argument which asserts that the Ornaments Rubric "authorises" the use of the vestments in question. In the opinion of their Lordships, if the only law as to the vesture of the clergy is to be found in the Ornaments Rubric, the use of the vestments of the First Edwardian Prayer Book is *not merely authorized, it is enjoined.* It is not an enactment ordering the accomplishment of a particular result, and suggesting or directing a mode by which the proposed result may be attained. The sole object of the Rubric is to define the mode of performing an existing ministration. If the Rubric is taken alone the words in it are *not optional, they are imperative;* and every clergyman who, since 1662, has failed, or who may hereafter fail, to use in the administration of the Holy Communion the vestments of the First Edwardian Prayer Book, has been, and will be, guilty of an ecclesiastical offence rendering him liable to heavy penalties. Any interpretation of the Rubric which would leave it optional to the minister to wear or not to wear these vestments, not only would be opposed to the ordinary principles of construction, but must also go to the extent of leaving it optional to the minister whether he will wear *any* official vesture whatever. If the Rubric is not imperative as to the alb, and the chasuble or cope, in the Communion Office, it cannot be imperative as to the surplice in the other services, or any* of them.

It is necessary now to ascertain the state of the law before the Act of Uniformity and Rubric of 1662: and then to examine whether any and (if any) what alteration was made by that Act and Rubric.

First Prayer Book of Ed. VI.

In the First Book of Edward the Sixth (1549), the directions as to the vestures of the ministers officiating in the public services of the Church (omitting all that relates to hoods and the directions as to Bishops) were as follows:

In the saying and singing of matins and evensong, baptizing and burying, the minister was to use a surplice. In the administration of the Holy Communion the celebrant was to "put upon him a

* [*See* on this point, p 33, as to Litany, &c.]

white albe plain, with a vestment or cope," and the assistant ministers (priests or deacons) were to "have upon them likewise the vestures appointed for their ministry, namely, albes with tunicles."

Second Book of Ed. VI.

These directions were omitted from the Second Book of King Edward (1552); and, instead of them, a Rubric was inserted, immediately before the order for Morning Prayer, in these words:—"And here it is to be noted, that the minister, at the time of the Communion, and at all other times in his ministration, shall use neither alb, vestment, nor cope; but . . . being a priest or deacon, he shall have and wear a surplice only." This Book was "annexed and joined" to the statute 5th and 6th Edward the Sixth, cap. I, and was established as law thereby.

King Edward died within a few months after the time appointed for this statute to take effect, and the re-action under Queen Mary followed. Upon the accession of Queen Elizabeth, the Legislature, reverting to the state of matters which had existed when the Second Book of Edward was introduced,* determined at once to restore the Liturgy and offices of religion contained in that book, with a few *specified*† alterations, but to leave the question of the vestures of the ministers of the Church open for further consideration. The natural course under these circumstances was that adopted, viz. to "retain" the use of the vestures which had been authorized before 1552, until a final settlement of that question could conveniently be made.

Elizabeth's book not new; nor "annexed" to Statute.

No new or revised Prayer Book was annexed to Queen Elizabeth's Act of Uniformity (1 Eliz. cap. 2); but the Second Book of King Edward, "with the alterations and additions *therein* added and appointed by this statute" (viz. "one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the Litany, altered and corrected, and two sentences *only* added

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* [That is not quite accurate. The Act 1 Eliz. c. 2, began: "Where at the *death* of our late Sovereign there *remained* . . . one book:" and the 30th Royal Injunction of 1559 insisted on the ministerial dress of "the *latter* year of Kg. Ed. VI." *i.e.* of 1553.]

† [N.B.—The Ornaments Rubric, and that relating to the place for morning prayer, were not of the number of these "specified alterations."]

in the delivery of the Sacrament to the communicants,"* as specified in the 3rd section), was directed to stand and be in full force and effect from the 24th June, 1559.

The enactment, however, that the Second Book of King Edward was to be used, with these alterations and additions, "*and none other or otherwise*" (sect. 3), was further qualified by the provisos contained in the 25th and 26th sections, of which the former is in these words:—

"Provided always, and be it enacted, that such ornaments of the Church, and of the ministers thereof, shall be retained and be in use, as was in this Church of England by authority of Parliament in the second year of King Edward the Sixth, until other order shall be therein taken by the authority of the Queen's Majesty: with the advice of Her Commissioners, appointed under the great seal of England for causes ecclesiastical, or of the Metropolitan of this realm."

In this manner, and *not by any textual alteration of the Rubrics* in the Second Book of King Edward, the directions as to ornaments of the First Book were kept in force until other order should be therein taken, in the way provided by the Act.

The printed rubric of 1559 was [illegally?] "substituted" for that enacted in section 3.

The authorities whose duty it was to issue to the people, in 1559, a printed Book of Common Prayer, made conformable to the Statute, prefixed to the Book so issued by them a copy, *in extenso*, of the Statute of Elizabeth itself; and they also *of their own authority, not by way of enactment* or order, but by way of a memorandum or reference to the Statute, *substituted* a new admonitory note or Rubric for the note immediately preceding the order of Morning Prayer in the Second Book of King Edward.†

That note or Rubric, as is pointed out by Bishop Gibson,‡ was *not inserted by any authority of Parliament*. It was meant to be a

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* [Unhappily the Judges forbore to quote here the very next words which were "and NONE other, or OTHERWISE:" the result of which must have been to legalise under penalties the rubric of 1552 above cited.]

† [This was, of course, *ultra vires:* as the Crown could not alter the statutory wording of the Prayer Book. And there was at that date (June 24, 1559) neither a "Metropolitan" nor any "Commissioners under the Great Seal for causes ecclesiastical."]

‡ Codex, Ed. 1761, p. 296.

compendious and convenient summary of the enactment on this subject. If it was an accurate summary, it was merely a repetition of the Act. If it was inaccurate or imperfect, *the Act, and not the note, would be the governing rule.*

It is of importance to bear in mind that the Ornaments Rubric, which it is now contended contains the whole enactment or law relating to the vesture of the clergy, *was not,* when originally introduced in 1559, *and was not meant to be, an enactment at all;* and it ended with a reference to the Statute 1 Eliz. cap. 2, set out in the beginning of the Prayer Book, in terms which showed that the Rubric *claimed no intrinsic authority for itself.*

The Statute, by its 25th section, had enacted that the ornaments of 1549 should be retained and be in use, but only until other order should be therein taken, by the authority of the Queen, with the advice therein mentioned. The enactment was therefore in its nature provisional, and prepared the way for the subsequent exercise of a power reserved to the Queen. If that power was not exercised, the enactment in the 25th clause would remain absolute. If the power was exercised, the order made under the power would not be an order in derogation or by way of repeal of the Act; but the order would be in pursuance of and *read into the Act as if* that which was done by virtue of the reserved power had *originally been enacted* in the Statute.

Did, then, Queen Elizabeth ever take other order, within the meaning of the 25th section?

Their Lordships do not think it necessary to dwell upon the Injunctions of Queen Elizabeth, and still less upon the interpretation of those Injunctions; because they cannot satisfy themselves, either that the Injunctions pointed to the vestments now in controversy,* or that they were issued with the advice required by the section of the Act of Parliament.

Legal value of the Advertisements.

But their Lordships are clearly of opinion that the Advertizements (a word which in the language of the time was equivalent to "admonitions" or "injunctions") of Elizabeth, issued in 1566, were a "taking of order," within the Act of Parliament, by the Queen, with the advice of the Metropolitan.

* [On that point, however, since 1877 much additional information has been accumulated. See *Church Intelligencer*, iii.-101.]

It is not disputed that these Advertizements were issued with the advice of the Metropolitan, and, indeed, also with the advice of the Commissioners for causes ecclesiastical; but it is said that they were not a taking of order by the Queen.*

The Queen had in the most formal manner, by Her Royal Letters, commanded the Metropolitan and other prelates to prepare these Advertizements, directing them "so to proceed by Order, Injunction, or censure, according to the order and appointment of such laws and ordinances as were provided by Parliament, and the true meaning thereof, so as uniformity of order might be kept in every church, and *without variety* or contention."

There was no particular form required by statute or by law in which the Queen was to take order, and it was competent for Her Majesty to do so by means of a Royal Letter addressed to the Metropolitan. The Advertizements were issued by the Prelates as *Orders prepared under the Queen's authority.*

Immediately after their issue, on the 21st May, 1566, Grindal, Bishop of London, writes † to the Dean of St. Paul's, requiring him to put them in force, and stating that they were issued by the Queen's authority, and that he (Grindal) would proceed to deprive any who should disobey them. The Articles of Archbishop Parker ‡ speak of them as Advertizements set forth "by public authority." In 1583, in Articles presented to the Queen § herself by the Archbishop and some of the Bishops, they are referred to as the "Book of Advertizements," and in the margin as the "Advertizements set out by Her Majesty's authority."

Against this it is said there is, nevertheless, other matter in the "Parker Correspondence" (lately for the first time published in a collected form, though it was partially known to some historical writers of the last century, who drew from it similar inferences),

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* [For a copy of the Commission appointing these Commissioners, see Tract CVII. published by the Church Association.]

† MS. from Dom. Eliz., vol. 39, No. 76. [Printed in Tract XC. of the Church Association.]

‡ 1 Card. Doc. An. 320 [and in 1575 Abp. Parker speaks of "The Queen's Majesty's Injunctions, and other Her Highness' commandments orders, decrees, and Advertisements," 2 Rep. Rit. Com. 418-50].

§ 163 State Papers, Domestic, No. 31 [better given by Lord Selborne in "Notes on the Liturgy," p. 75].

from which it ought to be inferred, as a matter of fact, that the Book of Advertizements was published without Queen Elizabeth's sanction.

Their Lordships cannot lend any countenance to the suggestion that the legitimate inference to be drawn from the tenor and language of public documents, from the acts done under them, and from the public recognition of their authority, could in any case be controlled by expressions found in a correspondence of this character. As, however, much of the argument against the authority of the Advertizements was founded on this correspondence, their Lordships think it right to say that they draw from the Correspondence, as a whole, a conclusion opposite to that in support of which it was referred to.

The first draft of the Book of Advertizements was prepared by the Archbishop and his colleagues very soon after the receipt of the Queen's letter of the 25th January, 1564-5, in the form of an order running in the Queen's name; and it appears, from passages in several letters, that they wished the Civil Power to undertake as much as possible of the formal responsibility of promulgating and enforcing the proposed new order, and that they anticipated very great difficulty if, without that sopport, the principal share of the burthen should be thrown upon the ecclesiastical jurisdiction. An opposite view, however, prevailed at Court, where some of the Queen's Ministers and courtiers were more favourable than she was herself to the views of the Puritans, and where it was as well understood as it was by the Archbishop that the measure would encounter much unpopularity and opposition, so far as it was contrary to those views.

It further appears that in the first draft of the book (which is printed at length in the Appendix to Strype's "Life of Parker," No. 28, p. 84,) there were several doctrinal articles, and other articles (about the temporalities of Bishops, the employment of schoolmasters, and the dissolution of marriages within the prohibited degrees) which were afterwards omitted, and the legality of all or some of which, under any powers then vested in the Crown, might have been more than doubtful.

That the Archbishop knew that no new "Order" could legally be taken by the sole authority of himself and his brother Commissioners, is abundantly clear.

When, on the 8th March, 1564-5, he sent the *first draft* to Secretary Cecil to be submitted to the Queen, he wrote:—

"If the Queen's Majesty will not authorize them, the most part be like to lie in the dust for execution of our parts; laws be so much against our private doings."*

This draft was not approved; he sent it again a year afterwards (12th March, 1565-6), with a letter containing this passage:—

"And where once, this last year, certain of us consulted and agreed upon some particularities in apparel (when the Queen's Majesty's letters were very general), and for that by Statute we be inhibited to set out any Constitutions without licence obtained of the Queen, I sent them to your honour to be presented. They could not be allowed then, I cannot tell of what meaning; which I now send again, humbly praying that, if not all, yet so many as be thought good may be returned with some authority, at the least way for particular apparel; or else we shall not be able to do so much as the Queen's Majesty expecteth for, of us to be done."†

That the Archbishop, both from his communications (in every stage of this business) with the Secretary of State (whose answers to him do not appear in the correspondence), and also from personal interviews with the Queen, must have had the Queen's pleasure distinctly made known to him, is no less certain.

In a letter dated the 12th April, 1566, he gives an account of an audience which he had on the 10th of March preceding (exactly two days before his letter of the 12th March to Cecil), when he had explained to the Queen the difficulty of enforcing the uniformity desired by Her Majesty. "I answered, that these precise folk would offer their goods and bodies to prison rather than they would relent. And Her Highness willed me to imprison them."‡

In his official letter to Grindal, dated the 28th Marth, 1566, inclosing the Book of Advertizements, he refers to another interview which they had both then recently had with the Queen by her own command, in which she charged them "to see her laws executed, and good Orders *decreed* and observed."§

In the letter which he wrote on the same 28th March, to the Secretary of State, submitting the Advertizements in their final

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* [Parker Corr., p. 234.]
† [Parker Corr., p. 263.]
‡ [Parker Corr. p. 278.]
§ [Parker Corr., p. 273.]

form (together with the draft of the letter to Grindal) for approval, he says:—

"I pray your Honour to peruse this draft of letters and the Book of Advertizements, with your pen, which I mean to send to my Lord of London. *This form is but newly printed, and yet stayed till I may hear your advice.* I am now fully sent to prosecute this Order and to delay no longer, *and I have weeded out of these Articles all such of doctrine, &c., which, peradventure, stayed the Book from Her Majesty's approbation, and have put in but things advouchable, and, as I take them, against no law of the realm.*"*

They could only be "against no law of the realm" if they were issued by the Queen's authority. For what purpose were they sent to Cecil, except to obtain that authority for their promulgation, in the form and manner proposed? It is true that the words follow (which were relied upon by the Appellant's Counsel):— "And where the Queen's Majesty will needs have me assay with mine own authority what I can *do* for order, I trust I shall not be stayed hereafter, saving that I would pray your Honour to have your advice to *do* that more prudently, in this common cause, which must needs be *done*." Their Lordships understand by this that the Queen had determined that the new order, made with her authority and approbation, should be *enforced* by the Metropolitan, *through the ecclesiastical jurisdiction*, without aid from the Privy Council or the secular power; not that the new order itself was to be without warrant, except from the sole authority of the Metropolitan, to whom, *without the authorization of Crown*, the law had given no power to make any such order.

The facts that this duty was undertaken by the Archbishop reluctantly and possibly against his own judgment, that his wishes and opinions were on several points overruled, and that the Book of Advertizements were promulgated, not in the form which he would have preferred, but in that imposed upon it by the Royal will, all tend to prove that it was promulgated in that form with, and not without the Queen's authority.

If, indeed, the legal effect of the Advertizements were to be judged of (as their Lordships do not think it ought to be) by the private opinion of Archbishop Parker, there is in the corre-

* [Parker Corr., p. 272.]

spondence distinct evidence that Parker, after the Advertizements were issued, considered them to be an execution of the statutory power. Writing to the Lord Treasurer, November 15, 1573,* seven years after the Advertizements were issued, he says:—

"The world is much given to innovations, never content to stay to live well. In London our fonts must go down. . . . . I do but marvel what some men mean . . . . with such alteration, when *order hath been taken publicly* this seven years by Commissioners, *according to the Statute*, that fonts should not be removed."

The Advertizements had ordered† "that the fonte be not removed," and this circumstance, and the expressions "order taken," "this seven years," and "Commissioners" (the Advertizements having been signed by the Bishops as Commissioners), make it clear that Parker was referring to the Advertizements. But the Advertizements could not have been a "taking of order publicly" "according to the Statute" unless they had the direct authority of the Queen.

Directions of the Advertisements as to Ornaments.

Their Lordships now turn to the part‡ of the Book of Advertizements which deals with the vestures of the Ministers. It is in these words:—

"In the ministration of the Holy Communion in Cathedral and Collegiate Churches, the principal minister shall wear a cope, with gospeller and epistoller agreeably; and at all other prayers to be said at that Communion Table, to use no copes, but surplices.

"That the Dean and Prebendaries wear a surplice with a silk hood in the choir; and when they preach, to use their hoods.

"Item, that every minister saying any public prayers, or ministering the Sacraments, or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charge of the parish."

It was not seriously contended that albs or chasubles could, in any reasonable or practical sense, or according to any known usage, be worn, or could be meant to be worn, concurrently with the surplice. If, therefore, the use of the surplice, at the administration of the Holy Communion, was rendered lawful and obligatory by these "Advertizements," the use of albs or chasubles, at that administration, was thereby rendered unlawful.§

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* Correspondence, p. 450.

† 1 Card. Doc. Ann. 326 [p. 292, 1st Edit.].

‡ Card. Doc. Ann. [No. LXV. p. 291, 1st Edit.].

§ [For a refutation of counter-statements, see *Church Intelligencer*, vi.-128.]

Their Lordships do not forget that the Book of Advertizements also contains orders upon other distinct subjects not within the 25th section of the Statute; as to some of which it was suggested in argument that the Queen had no legislative power. But this, whether the suggestion be well or ill-founded, is for the present purpose, immaterial.

Contemporary recognition of this "other order."

The proof of the subsequent reception and enforcement as law of the order established by the Book of Advertizements as to the vestures of the ministers of the Church in the administration of the Holy Communion throughout the Church of England from 1566 to the Great Rebellion, and again between the Restoration and St. Bartholomew's Day in 1662,* is complete.

After 1566, vestments, albs, and tunicles (copes also, in parish and non-collegiate churches) are mentioned in the official acts of the Bishops and others, performed in the *public exercise of their legal jurisdiction,* only as things associated with superstition, and to be defaced and destroyed. They were so treated by a Royal Commission sent to Oxford by Queen Elizabeth in 1573, and by the Visitation Articles of Archbishops Grindal and Sandys (York, 1571 and 1578); and Abbot and Laud (1611 and 1637); of Bishops Aylmer, Bancroft, and King (London, 1577, 1601, and 1612), and others.† The surplice, on the other hand, in a long series of Visitation Articles (sometimes accompanied by injunctions) of not less than thirty-two Archbishops and Bishops, of sixteen dioceses in England, commencing with Archbishop Parker in 1567,‡ and ending with Bishop Juxon in 1640,§ besides those of various Archdeacons, is consistently treated as the vesture required by law to be used by all ministers of the Church, not only in their other

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* [In the Catalogue of the British Museum are seven editions of the *unrevised* Prayer Book (besides an ordinal of 1660), published after the Restoration, and used during those two years May 29, 1660, to August 24, 1662, to which the word "retained" in our present book refers.]

† [Among these "others" may be named Abp. Grindal, in his Metropolitical Visitation of York province, 1571, the Bp. of Carlisle, 1572, Abp. Piers (York), 1590, Abp. Abbot, 1611, and Bishops Thornborough (1603), Vaughan (1604), Babington (1607), Bp. Howson (1619), and Abp. Laud, 1628, and 1637.]

‡ 1 Card. Doc. Ann. 320.

§ 2 Rep. Rit. Com. 589.

ministrations, but expressly *in the administration of both Sacraments.* Among the most stringent in this respect are the Articles of Bishops Andrewes, Overall, and Wren. After the Restoration (if, as seems probable, the Visitations of Cosin and other Bishops in 1662, whose Articles of that year do not expressly refer to the Act 13th and 14th Car. 2, cap. 4, were held under the state of the law prior to that Act), we have not only Bishop Cosin* but Bishops Ironside of Bristol, Morley of Winchester, and eight others of as many dioceses (whose Articles of 1662 are stated in the Appendix to the 2nd Report of the Ritual Commissioners to have been the same on this point with those of Morley), all administering strict inquiries to the same effect.

This, however, is not all. There is direct proof in the same class of documents, and in others of a still more public and authoritative kind, that the Advertizements were accepted as law, as having the Queen's authority.

In a Visitation held in 1569, Bishop Parkhurst, of Norwich, inquired (not expressly mentioning the surplice), "Whether your Divine service be said or sung in due time and reverently, and the Sacraments duly and reverently ministered in such decent apparel as is appointed by the laws, the Queen's Majesty's Injunctions, and other orders set forth by public authority in that behalf." That he was referring to the Advertizements, and "by public authority," meant the authority of the Queen, seems clear from one of his "Injunctions to the Clergy" (the fourth), at the same Visitation, about perambulations, where he orders the clergy, on those occasions, not to use surplices or superstitious ceremonies, "but only give good thanks, and use such good order of prayers and homilies as be appointed by the Queen's Majesty's authority in that behalf." The use of homilies at perambulations was prescribed, not by the Injunctions of 1559, but by the Advertizements.

Bishop Cox, of Ely, in his "Injunctions" issued between 1570 and 1574, directed "that every parson, vicar, and curate shall use in the time of the celebration of Divine service to wear a surplice, prescribed by the Queen's Majesty's Injunctions and the Book of Common Prayer; and shall keep and observe all other rites and orders prescribed in the same Book of Common Prayer, as well

* Works, vol. iv., 509, 510.

about the celebration of the Sacraments, as also in their comely and priestly apparel, to be worn according to the precepts set forth in the book called "Advertizements." And, in his accompanying "Articles," he inquired, "Whether any, licensed to serve any cure, do not wear at the celebration of the Divine service and Sacraments, a comely surplice, and observeth all other rites and orders prescribed in the Book of Common Prayer, and the Queen's Majesty's Injunctions, and in the Book of Advertizements?"

Archbishop Grindal, in his Gloucester Articles of 1576, ordered the clergy "not to oppose the Queen's Injunctions, nor the Ordinations, nor Articles made by some of the Queen's Commissioners" (naming those who subscribed the Advertizements), January the 25th, in the seventh year of the Queen's reign. (The date is that of the Queen's letter mentioned in the Advertizements, not that of the promulgation of the book itself.) This alone seems to have been thought by Strype* (an historian sometimes cited for a contrary purpose) sufficient proof that the Queen must in the end have authorized the publication of the Advertizements.

Archbishop Whitgift, in his celebrated Articles of 1584,† enjoined "that all preachers and others in ecclesiastical orders do at all times wear and use such kind of apparel as is provided unto them in the Book of Advertizements and Her Majesty's Injunctions, *anno primo*."

Bishop Thornborough, of Bristol, in 1603 inquired, "Whether at any time, and during the whole celebration of Divine service and ministration of the Sacraments, in every your churches, your parson, vicar, or curate doth wear a surplice, according to the terms and statutes of this realm of England in that behalf provided; and how often default hath been made herein, and by whom?" In another Article as to Perambulations, he inquires whether the clergy say "the prayers and suffrages appointed" for that ceremony, "according to the late Queen's Majesty's Injunctions in that behalf provided, and according to the Book of Advertizements?"

The Book of Advertizements was referred to as of legal authority in several of the Canons of 1571; showing (though those Canons were not confirmed by the Crown, nor, apparently, ever put in force) the sense and understanding at that time, while the matter was still

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* 1 Life of Parker, 319.

† 1 Card. Doc. Ann. 413.

recent, of the Bishops and clergy of the whole Church of England represented in the Convocations of both provinces. The 24th and 25th Canons of 1603-4, repeated, with express reference to the Advertizements, as already containing the rule to be followed ("according to the Advertizements published anno 7 Eliz." "Juxta Admonitiones in Septimo Elizabethæ promulgatas") the substance of the directions contained in the Advertizements, as to the use of surplices, &c., in cathedral and collegiate churches; and the 58th Canon, which relates to the use of surplices at the administration of the Holy Communion in parish churches, followed, with scarcely any variation, the exact words of the Advertizements on the same subject.

The Convocations which passed those Canons thought them consistent with others (the 14th, 16th, and 56th), which enjoined the strictest possible conformity with the orders, rites, and ceremonies prescribed by the Book of Common Prayer, without addition, *omission, or alteration;* a view quite sound and correct, if the Advertizements were a legal exercise of the statutory power given to the Crown by 1 Eliz., cap. 2, section 25; but, on the contrary supposition, erroneous and untenable. The Canons of 1603-4 received the Royal Assent; so that on that occasion there was the most formal, solemn, and public concurrence possible, of the Crown and the Convocation of both Provinces, in that understanding of the law, which had been acted upon for nearly fifty years by all the executive authorities of the Church. The Canons of 1640 (also confirmed by the Crown), which mention "*Queen Elizabeth's* Injunctions and *Advertizements*," carry on the public evidence of the same understanding down to the time of the Great Rebellion; and the Divines consulted by the Lords' Committee of 1641 * alleged that the High Church party "pretended, for their innovations, the Injunctions and Advertizements of Queen Elizabeth," denying, indeed, that either the Injunctions or the Advertizements were in force, "but by way of commentary and imposition;" but not disputing that the Advertizements had such authority as Queen Elizabeth by law could give them.

To this it may be added that Hooker, the greatest ecclesiastical writer between 1566 and the Protectorate, describes the Advertizements as "agreed upon by the Bishops, and confirmed by the

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* Card. Conf. 273.

Queen's Majesty."* Cosin (although, in a passage which will afterwards be referred to, he appears to have at one time supposed that the conditions of the Statute had not been duly complied with) speaks of them† as made under the Queen's reserved authority; and Wren‡ as "Advertizements authorized by law" (1 Eliz. cap. 2, sect. penult.).

From all these facts, the conclusion drawn by this Committee in *Hebbert* v. *Purchas*, that the Advertizements of Queen Elizabeth on this subject had the force of law under 1 Elizabeth, cap. 2, section 25, appears to their Lordships to be not only warranted, but irresistible.

Nor is the weight of these facts diminished by the circumstance (which was, in the opinion of their Lordships, established by the Appellant's Counsel), that the extensive destruction of albs, vestments, and copes, mentioned in Mr. Peacock's book, and spoken of in the Judgment of *Hebbert* v. *Purchas* as if it had been later than the promulgation of the Advertizements, really preceded that event. The same causes which had led to the destruction, irregularly and without law,§ of a particular kind of ornaments, as to which the law, in its then provisional state, was at variance with the sentiment of the moderate, as well as of the extreme, section of the clergy of the Reformed Church, would naturally suggest the expediency of taking such order, upon the first convenient opportunity, as would give legal sanction to the disuse of those ornaments.

Advertisements of 1566 a statutory order under 1 Eliz. c. 2.

Reading, then, as their Lordships consider they are bound to do, the order as to vestures in the Book of Advertizements, into the 25th section of the 1st of Elizabeth, cap. 2, and omitting (for the sake of

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* 3 Hooker's Works, by Keble, 6th edition, p. 587.

† 5 Works, p. 90. ‡ Parentalia, p. 75.

§ [Another view would be that the destruction of copes, &c., was due to the rubric of 1552 (re-enacted by sec. 3 of 1 Eliz. c. 2) and the 30th Injunction of 1559, both of which were acted upon during the years 1559-66, except in a few state functions, in the royal chapel, and perhaps one or two cathedrals, where copes were occasionally worn. But no vestments, albs, or tunicles were ever worn during those years: nor was the cope worn *as prescribed* by the First Prayer Book. On this view, the Advertizements constituted a "*further* order" under the 26th section of 1 Eliz. c. 2.]

brevity) all reference to hoods, it will appear that that section, from the year 1566 to 1662, had the same operation in law as if it had been expressed in these words: "Provided always that such ornaments of the Church and of the ministers thereof shall be retained and be in use as were in this Church of England by authority of Parliament in the second year of King Edward VI, except that the surplice shall be used by the ministers of the Church at all times of their public ministrations, and the alb, vestment or tunicle shall not be used, nor shall a cope be used except at the administration of the Holy Communion in cathedral and collegiate churches."

It is clear that, during the whole of this period, except during the interregnum of the Civil War and the Protectorate, when the Episcopalian Government of the Church and the use of the Liturgy were interrupted, this state of the law was generally understood, acted upon, and enforced by authority. It is also clear that throughout this long period the Ornaments Rubric, as originally printed in the Prayer Book of Queen Elizabeth, was allowed to remain unaltered. This, then, being the state of the law up to and in 1662, and the *Ornaments Rubric*, up to and at that time, *not being in any sense a complete and independent enactment*, but being merely a reference to an external law, namely, the Statute of 1st Elizabeth, cap. 2, the question has now to be asked, was it the intention, and was it the effect of the alteration in the Ornaments Rubric in 1662, to repeal the 25th section of the Statute of Elizabeth, and all that had been done under it, and to set up a new and self-contained law on the subject of ornaments?

Revision of 1662.

The history of the Revision of the Prayer Book is strongly opposed to such a conclusion.

The Puritans, in their 18th "General Exception," at the Savoy Conference, stated various objections of principle to ceremonies in the Church, especially as to three matters: (1) the surplice; (2) the sign of the Cross in Baptism; and (3) kneeling at the Holy Communion. Following up their general "exceptions" with objections in detail to particular parts of the Book of Common Prayer, they said, commenting on the Ornaments Rubric, as it stood before the revision of 1662, "Forasmuch as this Rubric *seemeth* to bring back the cope, albs, &c., and other vestments *forbidden by the Common Prayer Book*,* *5th and 6th Edward the Sixth*,

* [*See* footnote to p. 9, *supra*.]

and for our reasons alleged against ceremonies under our 18th General Exception, we desire it may be wholly left out."

Baxter* seems to treat the objection as having been founded on the words in the Rubric "at the time of the Communion." "They excepted," he says, "against that part of the Rubric which, *speaking of the Sacraments to be used in the Church,* left room to bring back the cope, albe, and other vestments."

The words "seemeth to *bring back,*" assumed that those vestures of the First Book of King Edward were not practically in use under that Rubric. The words did not suggest—and they would have been erroneous if they had suggested—more than that the Rubric had the *appearance of* giving them some legal authority. The real substance of the objection was in the reference to the 18th General Exception, and in the request that the whole Rubric might be omitted, with the object, manifestly, of getting rid of the surplice. The Bishops do not appear to have considered the suggestion about "seeming to bring back," &c., worthy of particular notice. It would have been easy to answer it by showing that, under the Statute to which that Rubric referred, the surplice had been legally substituted the albs, &c. But knowing that the surplice itself was the only thing really in controversy, they contented themselves with saying: For the reasons given in our answer" (in which they had defended ceremonies generally, and the surplice particularly, but *had said nothing about copes, albs, or vestments*) "to the 18th General Exception to which you refer us, we think it fit that the Rubric *continue as it is.*"

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* History of Life and Times, cap. 8, p. 155.

[A few months before his death Baxter brought out a second edition of his "English Nonconformity" in which he said of the Ornaments Rubric: "Against this we have these Exceptions.

"1. We know not what was then in use, and therefore cannot consent to we know not what.

"2. We are told that the albe, and many other ornaments were then in use, *that are since put down*, and we must not consent to restore them, without more reason than we hear. And the Canon enumerating the Ornaments *now*, we suppose the addition of all those will contradict it.

"3. We meet with few Conformists that know what was then in use. *And we see that all those that subscribe or consent to this, yet use them not.* And we will not run for company into a solemn Covenant consent, to the use of

Although the Bishops would not yield on this point, it could not have been their intention, when they "thought it fit that the Rubric should *continue as it was*," to abolish the use of the surplice,* and restore the ancient vestures, in any office in which, as the law then stood, the surplice was the vesture proper to be used. No one who holds in respect the memory of the Ecclesiastical Legislature of that day (whose revision of the Prayer Book was accepted by Parliament, almost *sub silentio*) could impute to them a deliberate intention, *covertly* to alter the substance of the law as to the vestures of the clergy (which they had in the Conference declared their *intention to leave unchanged*), by changes apparently verbal and trivial, in a Rubric, *possessing down to that time no legislative authority*, and on which they themselves, as will be seen in the sequel, never meant to act, and never did act, in any such sense.

The declarations of the Legislature which bear upon this question are (1) the recitals in the preamble of the Act of 1662, and in the second section of that Act; and (2) the preface to the Prayer Book.

The preamble of the Act of 1662 recites that the Commission on which the annexed book was founded had been ordered "for settling the peace of the Church, and for allaying the present distempers, which the indisposition of the time had contracted."

The restoration of vestures which had not been in use for nearly a hundred years, and had become associated, *not in the popular mind only*, with the idea of superstition, cannot well be supposed to have been contemplated by the Legislature as a change conducive to the peace of the Church, or to agreement within its pale

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those things that we see *no body* use. The second year of King *Edw.* 6, was the minority of the Reformation, and before we consent to make it our pattern, we must know what it was, and whether no Act of Parliament have since reversed that which then was used."

His "thirtieth point" was "Of Canon 58, that maketh the surplice necessary to ministration;" and about a score of the Canons of 1604 were also adduced by him as furnishing various "points" of objection in 1690.

It will be seen that although twenty-eight years had elapsed since the new "rubric" came into force, not one of the conforming clergy had used the ornaments of 1548, which Baxter admits had been "put down."]

* [For it must be borne in mind that no priest was *allowed* to celebrate in a surplice under the First Pr. Bk. of Ed.]

even when that pale might have been contracted by the secession of those from whom conformity was not to be looked for. And if it had been intended not merely to continue an existing and well-known state of things, but to revive uses long obsolete, and to prohibit all things previously in legal use, which were not prescribed by the First Book of King Edward, it can hardly have been expected that the desired certainty of rule, and agreement in practice, would have been attained by a vague reference to a Prayer Book *not generally accessible.**

Of the "Preface" to the Book of 1662 it is to be observed (1) that it disallows, as without warrant in law, the practical interruption, during the Rebellion and the Protectorate, of the use of the Liturgy, "though enjoined by the laws of the land, and *those laws never yet repealed;*" † (2) that none of the general reasons thereby assigned for the revision, and for the alterations then made, are such as to make it at all probable that for any of those reasons the old vestures would be restored; and (3) that a comparison of the new language with the old is thereby expressly invited, for the purpose of arriving at a just view of the reasons for particular changes; "If any man, who shall desire a more particular account of the several alterations in any part of the Liturgy, shall take the pains to compare the present Book with the former, we doubt not but the reason for the change may easily appear."

No change made in 1662.

Entering then upon the comparison so invited, the first material observation is that on the one hand, the Statute 1 Elizabeth, cap. 2, is reprinted at the beginning of the book as *an unrepealed and effective law, and, indeed, is transcribed in the Manuscript Book approved and signed by the two Convocations;* and, on the other hand, the Ornaments Rubric of 1662 occupies the same place, and *primâ facie* retains the

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* [That the first Prayer Book was little known is testified by L'Estrange and Collier. Cosin's son-in-law had great difficulty in procuring a sight of it; and the way in which L'Estrange's reprint (the only one which then existed) misled men like Bingham and Prynne can be seen in the facsimile published by the Church Association in their Tract XCIII, "Additional Evidence as to the Ornaments Rubric, No. 2," p. 4, price One Penny.]

† [So far from being "repealed," the 1 Eliz. c. 2 was incorporated into the Prayer Book of 1662.]

same general office and character which it had in the former book, in which (as has been already said) it was a note of reference to an *external* law, namely, that contained in the 25th section of the Statute, still printed at the beginning of the book. Their Lordships cannot look upon this Rubric as being otherwise than what it was before, a memorandum or note of reference to that law. Except for its *new* Parliamentary authority (which is a matter scarcely entering into the comparison of the old with the new language), it would certainly be so. It is true that the former express reference to the act of Elizabeth at the end of the Rubric is omitted. But, on the other hand, the Act itself is exhibited as a law *still in force*, and the effect and obvious purpose of all the changes in the wording of the Rubric (with a single exception) is to make it, as far as it goes, a mere extract from, and a simple repetition of the words of the Act. The important words of the Act, "until other order shall be therein taken," &c., are not now for the first time left out; the former Rubric had also stopped short of them when *it could not possibly control their legal effect*. If the manuscript alterations in the handwriting of Sancroft acting as Cosin's secretary (much dwelt upon by the Appellant's Counsel), could for this purpose be accepted as evidence, they would prove, as a matter of fact, that the charge was made because (in the language of the manuscript) "these are the words of *the Act itself*." Their Lordships do not think that such evidence is admissible; but the same reason is legitimately to be inferred from the comparison suggested by the preface to the Prayer Book. It is easy to understand why the words of the Act should be as closely as possible adhered to, if those words as found in that Act, were still *the* law authoritatively governing the matter. The words "shall be retained and be in use" were not in the former Rubric, but they were in the Statute. If intended as a mere extract from the Statute, or to continue and carry forward in 1662 the use of those things which *were then actually*, or in contemplation of law, *in use under that Statute*, they are apt and appropriate; but if it was meant to bring back an old and long disused state of things, by making the Rubric of 1662, for that purpose a new point of departure, while repealing the 25th section of 1 Elizabeth, cap. 2, and all that had been done under it, the substitution of this particular language for the words of the former Rubric, "the Minister shall use," &c., and the

recurrence to the exact phraseology of the enactment about to be superseded, would seem to be the most inappropriate way conceivable of accomplishing that object.

The only other alteration (which is also the single deviation in the Rubric of 1662, as far as it goes, from the language of the 25th section of 1 Eliz., cap. 2), is this. In that section the words were, "such ornaments of the Church and of the Ministers thereof shall be retained and be in use as was in this Church," &c. The Rubric in use before 1662 was that of 1559, as reprinted in the book of 1603-4, which said, "The Minister, *at the time of the Communion, and at all other times in his ministration,* shall use such ornaments in the Church as were in use," &c. In the Rubric of 1662 they are, "such ornaments of the Church, and of the Ministers thereof, at all times of their ministration, shall be retained and be in use as were in this Church," &c.; the words "*at all times of their ministration,*" being interpolated into the context, of which the rest is extracted from the Act of Elizabeth. What is the reason for this change, discoverable (according to the rule of the preface to the Prayer Book) from a comparison of the new language with the old? The old language (*i.e.* that of the former Rubric) seemed to imply a distinction which really existed when it was used in 1559, between the ornaments of the Minister at the time of the Communion and his ornaments at other times in his ministration, and the objection at the Savoy Conference as understood by Baxter (than whom no one was better acquainted with all that passed) seems to have been an apparent recognition or admission of this distinction. That distinction, in all parish and non-collegiate Churches, had been abolished by the Advertizements and the practice under them. The new words (though not incapable of being read distributively, if and so far as such a distinction might still continue in law), ceased to imply, or to seem to imply, any such distinction.* If the words of the Statute had

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* [It is not "the several times," but at "all" times. For as Bp. Geste in 1559 told Cecil, the Prime Minister of Elizabeth—

"Because it is thought sufficient to use but a surplice in baptizing, reading, preaching, and praying, therefore it is enough for the celebrating of the Communion. For if we should use another garment herein, it should seem to teach us that higher and better things be given by it than be given

been in this place simply followed, there would have been less force in the alteration; but these words, "at all times of their ministration," are put in as if to give emphasis to the change, and to direct attention to the fact that, in the then state of the law, the use of the same vestures by the Minister, at all times of his ministration, was the ordinary and the general rule. Such a change of language here would have been most extraordinary if it had been intended to recur in all the Churches of the Kingdom to those distinctions to which the Advertizements had put an end, but which the terms of the former Rubric seem to recognize. On the other hand, it was a natural change of language, if the object was to remove some part, at least, of the ground for the Puritan objection, that the former Rubric "seemed to bring back" the abolished vestures.

This explanation of the change is, in fact, the only one which is in harmony with or which could justify the note or list of alterations in the book now deposited in the Library of the House of Lords, "out of which was fairly written"* the Book of Common Prayer subscribed on the 20th of December, 1661, by the Convocations of Canterbury and York, and which book, so subscribed, was by those Convocations "exhibited and presented to the King, and sent by the King to the House of Lords on the 25th of February, 1661-2. This original book, from which the transcript was thus made, contains the actual record of all alterations and additions made by the Convocations, clearly written in manuscript in a printed Prayer Book of 1636, and at the beginning a tabular list of the material alterations. It was delivered by the House of Lords to the House of Commons as the authority for the book "fairly written" which was to be referred to in the Act; and it is impossible to doubt that the tabular list of alterations contained in

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by the other service, which we must not believe."—Dugdale's Life of Bp. Geste, p. 145.

In the Reformatio Legum. (De hæresibus, cap 19), the Reformers said, "Denique nullum relinquimus majorem Eucharistiæ venerationem quam Baptismi et verbi Dei."]

* *Lord's Journal*, April 10, 1662. [The book was photozincographed for the Ritual Commission. The history of the "tabular list" is traced in Mr. Milton's "Church Perplexities," published by J. F. Shaw.]

it was inserted for the purpose of enabling the changes which Parliament was asked to sanction to be well understood. This tabular list sets out in parallel columns all the material changes which had been made from the old form, among which no mention of the Rubric in question occurs, and there is then a note added in these words: "These are all ye materiall alterations, ye rest are only verbal, or ye changing of some Rubricks for ye better performing of ye Service, or ye new moulding some of the Collects."

To repeal in 1662 the 25th section of the Statute of the 1st Elizabeth, and the order taken under its authority, would have required either a clear and distinct repealing enactment, or an enactment inconsistent and irreconcilable with the former law. It was admitted in the argument, and indeed could not be denied, that *the Statute of Elizabeth was not repealed* in terms; and it is in fact, as has been already observed, set forth as the first enactment in the new Prayer Book. The Statute is also beyond question one of those "good laws and statutes for the uniformity of prayer and administration of the Sacrament," which by the 24th section of the Act of 1662 are declared to "stand in full force and strength, to all intents and purposes whatsoever for the establishing and confirming" of the new Book, and which are thereby directed to be "applied, practised, and put in use for the punishing of all offences contrary to the said laws, with relation to the Book aforesaid, and no other."

In order to judge whether there is anything inconsistent and irreconcilable between the Ornaments Rubric in the new Prayer Book and the 25th section of the older statute, that section must be read as if the order taken under the section had been inserted in it. And, as so read, their Lordships see nothing inconsistent between the Rubric and the section. The Rubric served, as it had long previously served, as a note to remind the Church that the general standard of ornaments, both of the church and of the ministers, was to be that established by the authority of Parliament in 1549; but that this standard was set up under a law, *still unrepealed*, which engrafted on the standard a qualification that, as to the vestures of parish minsters, the surplice, and not the alb, vestment, or tunicle, should be used.

No doubt can be entertained that for nearly two centuries,

succeeding 1662, the public and official acts of the Bishops and clergy of the Church, and of all other persons, were inconsistent with the supposition that the Rubric of 1662 had made any change in the law.

During the twenty-five years immediately succeeding the legislation of 1662, we have a series of Visitation Articles (those of fifteen Bishops and one Archbishop, of thirteen dioceses, printed either at length or by collation with Bishop Morley's form, in the Appendix to the Second Report of the Ritual Commissioners, pp. 609, 611, 615, 632, 639, 642, 645, 649, 653-4), which prove conclusively that those whose official duty it was to see the law observed, and of whose strictness in the performance of that duty the same Articles supply abundant evidence, understood the law still to be that the surplice was always to be used by the clergy officiating in the administration of the Holy Communion.

This list does not include any articles of the year 1662 except* those of Bishops Hacket of Lichfield and Henchman of Salisbury, who both expressly refer to the Act of Uniformity of that year. Upon the point in question, Bishop Hacket inquires in 1662 thus:—

"Have you a decent surplice, one or more, for your parson, vicar, curate, or lecturer to wear in the time of all public ministrations? Hath he read the Book of Common Prayer as it is enjoined by the late Act of Uniformity for public prayer, administration of the Sacrament, &c., on some Sunday before the 24th August last past, and did and doth he wear *the* surplice while he performed that office and other offices mentioned in that Common Prayer Book?" (*Ibid.*, p. 609.)

Bishop Henchman (*Ibid.*, p. 611) inquires:

"Doth your minister, reading Divine Service, and administering the Sacraments, and other rites of the Church, wear *the* surplice *according to the Canons?*"†

Subsequently, in 1663, 1664, 1666, 1671, 1672, 1674, 1676,

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* [A much more complete list is given, with vouchers, in Tract LXXXIX., published by the Church Association.]

† [The Canons of 1604 were reprinted in 1660 and in 1662 by "His Majesty's authority."—Kennet's Chron. 725.]

1677, 1679, 1683 and 1686, Articles to the same effect, in different forms, but all equally cogent, were administered by the other prelates, whose Visitations have been referred to. Bishop Morley's form, adopted by nine other prelates in those years, and used by himself in 1674 (as he and nine others had also used it in 1662, when the form of the Revised Rubric had been settled by the two Convocations, but before it became law), is this :—

Art. 5 (concerning churches, &c.) :—"Have you a comely, large surplice for the minister to wear at all times of his public ministration in the Church ?"

Art. 7 (concerning ministers) :—"Doth your minister, at the reading or celebrating any Divine Office in your church or chapel, wear *the* surplice, together with such other scholastical habit, as is suitable to his degree ?" (*Ibid.*, p. 615.)

Bishop Henchman, in 1664 (then translated to London), and Bishop Pearson of Chester, in 1674, used this form :—

Art. 7 (concerning churches, &c.) :—The same as Bishop Morley's.

Art. 4 (concerning ministers):—"Doth your minister, in the Morning and Evening Service, in the administration of the Sacraments, and in performing other religious offices appointed by the Church of England, use the respective forms in the Book of Common Prayer, together with all those rites and ceremonies which are enjoined in this Church ; and doth he make use of *the* surplice when he reads Divine Service or administers the Sacraments ?" (*Ibid.*, pp. 632, 642.)

Bishops Morley and Henchman were two of the three Prelates (Archbishop Sheldon being the third) who are stated by Baxter* to have "managed all things" at the Savoy Conference. Archbishop Sheldon, in his Circular Letter to the officials of his diocese in 1670,† directs them to require that all parsons, vicars, and curates, "in the time of their officiating, ever make use of and wear their priestly habit, *the* surplice and hood."

Archbishop Sancroft, in 1686, also used Bishop Morley's form under the head "Concerning churches ;" and, under that "Concerning the Clergy," his 7th Article runs thus :—

"Doth your parson, vicar, or curate read Divine Service on all

* Life and Times, 171-2.

† 2 Card. Doc. An., 276-9.

Sundays, and publicly administer the holy Sacraments of Baptism and the Eucharist, and perform all other ministerial offices and duties, in such manner and form as is directed by the Book of Common Prayer lately established, and the Act of Uniformity therewith published . . . . without addition, *diminution, or alteration?* And doth he in those his ministrations wear *the* surplice, with a hood or tippet befitting his degree?" (*Ibid.*, p. 654.)

It was not disputed at the Bar that the subsequent practice in parish and non-collegiate churches till about 1840 or later was uniformly consistent with this view of the law.

As public declarations of what was understood to be the state of the law shortly after the completion of the revision in 1662, their Lordships may refer in the first place to the statement of Bishop Sparrow. Sparrow was Bishop of Exeter in 1684. He had been one of the Commissioners at the Savoy Conference. In 1655 he published his "Rationale" of the Book of Common Prayer, which then contained nothing* as to the Ornaments Rubric or the ornaments of the minister. In 1684, after the Revision, he published a new edition, and thus (p. 337) states the law as then understood. 'The minister in time of his ministration shall use such ornaments as were in use in the 2nd Edward VI, Rubric 2:—viz. a surplice in the ordinary ministrations, and a cope in time of ministration of the Holy Communion in Cathedral and Collegiate churches.'—Queen Elizabeth's Articles, set forth the seventh year of her reign."

Their Lordships may further refer to the alterations proposed by the Commissioners of 1689 appointed to revise the Prayer Book, with a view to the relief of Dissenters.† The Rubric proposed by them to be substituted for the Ornaments Rubric may be taken to be a statement of what at that time was understood to be the state of the law: "*Whereas the surplice is appointed to be used by all ministers in performing Divine Offices,* it is hereby declared that it is continued only as being an antient and decent habit. But if any minister shall declare to his Bishop that he cannot satisfye his

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* [It appeared first in the edition of 1657. Also in the editions of 1661, 1664, 1668, 1672, and 1676. He evidently knew of no change in the law during the interval.]

† Ho. of Com. Papers, vol. 36 (1854).

conscience in the use of the surplice, in that case the Bishop shall dispense with his not using it," &c.

And the "Bill of Comprehension" introduced into Parliament by the King's authority about the same time contained a clause* framed on the same principle.

It is abundantly clear that, if any person had imagined that the Prayer Book of 1662 introduced a change on this subject, there were very many who would gladly have acted on it. No instance has been given of any person having acted on it. On the other hand, every one continued to act according to the old law, although, if the argument of the Appellant is correct, every one in so doing was acting illegally. *The practice,*—consistent with the old law, inconsistent with the argument of the Appellant,—*has been uniform, open, continuous, and under authoritative sanction.*

What, then, in a question of this nature, is the weight in law of such contemporaneous and continual usage? Their Lordships may take the answer to this question from the words, either of Lord Campbell, in *Gordon* v. *Bishop of Exeter*;† or of Chief Baron Pollock in *Pochin* v. *Duncombe*;‡ or of Dr. Lushington in *Westerton* v. *Liddell.*§

Lord Campbell, referring to a Statute of 25 Henry VIII, cap. 19, said:—

"Were the language of the Statute obscure, instead of being clear, we should not be justified in differing from the construction put upon it by contemporaneous and long-continued usage. There would be no safety for property or liberty, if it could be successfully contended that all lawyers and statesmen have been mistaken for centuries as to the true meaning of an old Act of Parliament."

Chief Baron Pollock, with reference to the maxim—"*Contemporanea expositio fortissima est in lege,*" said:—

"The rule amounts to no more than this, that if the Act be susceptible of the interpretation which has thus been put upon it by long usage, the Court will not disturb that construction."

Dr. Lushington said:—

"Usage, for a long series of years, in ecclesiastical customs especially, is entitled to the greatest respect; it has every presumption in its favour; but it cannot contravene or prevail against

* MS. in Burnet Papers, Cardw. Conf., p. 457.

† 15 Q.B., 73, 74. ‡ 1 H. and N. 856. § Moore, separate Report, 79.

positive law; though, where doubt exists, it might turn the balance."

A Church Rubric, taking the form of directions to be acted on by large numbers of persons from week to week, and from day to day, is a subject above all others for exposition by contemporaneous and continual usage, and the principles laid down in the cases to which their Lordships have referred, fortified as they easily might be by many other authorities, seem to their Lordships to be decisive of the present question.

What their Lordships have already said is sufficient to show that, in their opinion, according to the ordinary principles of legal construction and interpretation, the Ornaments Rubric of 1662, on the subject of the vestures of ministers, *cannot*, any more than the Rubric on the same subject which preceded it, be looked at *otherwise than in connection with the Statute of the 1st of Elizabeth, cap.* 2. They may, however, also point out a singular incongruity which might arise from looking at it unconnected with the Statute. The Rubric states that such ornaments of the ministers, at all times of their ministration, shall be retained and be in use as were in the Church by authority of Parliament in 1549, that is, under the First Prayer Book of Edward VI. But under the Book of 1549 the Rubric as to the vestures in the Communion Service is confined to that office, and the general Rubric at the end of the Book is confined to the saying, or singing, of Matins and Evensong, baptizing, and burying. There does not, therefore, appear in the Book of 1549 to be any imperative direction as to the use of the surplice or any other vesture in the Marriage Service, in the churching of women, or by ministers assisting the Bishop in the office of Confirmation, in the Commination Service, or in the saying of the Litany, which in that Book was not connected with Matins or Evensong. These omissions, however, were filled up by the Advertizements issued under the Statute which provided that every minister saying any public prayers, or ministering the Sacraments, or other rites of the Church, should wear a comely surplice. If, therefore, the Act and the Advertizements are read in connection with the Rubric, the use in the latter of the words "at *all* times of their ministration" may be justified: whereas those words are inaccurate if applied merely to the Prayer Book of 1549.

Bennet *versus* Cosin.

The learned Counsel for the Appellant, in the course of their argument, placed considerable reliance on passages in certain books published during the 18th, and in the present, centuries by writers who, however learned, were not entitled to speak with any legal authority, and some of whom appear to have expressed opinions adverse to the legality of the usage as to the vestures of clergymen, which they admit prevailed up to the time at which they wrote.

It would, in the opinion of their Lordships, be contrary to well-settled principles of law to admit private opinions to control the legal interpretation of public documents, or legal inferences from public acts or usage; but it may be not without advantage to point out the circumstances under which the opinions of these writers appear to have been expressed.

One of the books referred to by the Appellant's Counsel was Doctor Thomas Bennet's "Paraphrase, with Annotations upon the Book of Common Prayer." The second edition of this book was published in 1709, and the earlier edition (the date of which their Lordships have not observed) must have been still nearer the year 1662. Both editions were published before Cosin's Notes on the Prayer Book were printed, and their Lordships will, in the first place, refer to those notes, and to the writers who followed.

Three sets of Notes on the Prayer Book (as it stood before 1662), by Cosin, were published by Nicholls in 1710, the first set being supposed to have been written by Cosin some time before, and the two others at different times after 1630, but all before the revision of 1662.

In the first Notes* he had originally suggested that the clergy, as the law then stood, were "all still bound to wear albs and vestments, howsoever it was neglected;" and that the 14th and 58th Canons of 1603-4 were inconsistent with each other. But perceiving some time afterwards (at what time afterwards is uncertain) that he had, in making that Note, overlooked the terms of the Statute (1 Eliz., cap. 2, sec. 25), he added: "But the Act of Parliament,

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* Cosin's Works, vol. 5, p. 42. [Nicholls did not attribute the "First" series to Cosin: and they were certainly not his at all. See Meyrick's "Two Letters to the Abps. and Bps." (Rivingtons), and *Church Intelligencer*, Vol. III. p. 115.]

I see, refers to the Canon, and until such time as other order shall be taken."*

In another passage of the same set of Notes (*Ibid.*, p. 90), he had distinctly recognized the authority of those Articles of the Advertizements which relate to this matter, as a due exercise of the powers given to the Crown by that statute, with reference to a point which might depend on Section 26 rather than on section 25. "For cathedral churches,' he there says, 'It was ordained by the Advertizements in Queen Elizabeth's time (that authority being reserved, notwithstanding this book, by Act of Parliament), that there should be an Epistoller and Gospeller, besides the priest, &c." And, in the execution of his official duty as Archdeacon of the East Riding of York, in 1627, he administered to the churchwardens then under his jurisdiction very stringent articles (not adopted without change from forms previously in use, but revised and altered under his own hand), in which the use of the surplice by the parochial clergy, when administering the Sacraments, was treated as legally necessary, and never to be omitted.† In his later Notes, and also in his suggested corrections of the Prayer Book, he repeated the view which had been expressed in the uncorrected form of his first Note, giving, however, no reason for that opinion, except such as may be inferred from a passage at p. 233 of vol. 5 of his "Works," where, after quoting the words of 1 Eliz., cap. 2, sec. 25, he says: "which other order, *so qualified as is here appointed to be*, was never yet made."

From this it may be concluded that Cosin's opinion at that time was founded either on some technical view of the informality of the Advertizements, or on some conclusions as to matters of fact, with respect to which (as they involved no question of peculiar ecclesiastical learning) his authority was certainly not greater than that of any other man.

After the Restoration, Cosin was made Bishop of Durham; and in his Visitation Articles of 1662, already mentioned (which may be assumed, according to the Appellant's argument, to have been anterior to St. Bartholomew's Day in that year), he still considered

* See his Correspondence published by the Surtees Society, vol. 1, p. 106; and Preface; also "Works," vol. 2, p. 9.

† [This criticism was added by Cosin himself at a later date.]

it to be his duty to treat the use of the surplice in the administration of both Sacraments as matter of legal obligation on all the parochial clergy.

The result appears to be that the opinions recorded in the private Notes of this divine, at different periods of his life, are *not consistent with each other;* while those of them which are adverse to the validity of the Advertizements are inconsistent with his *official acts* done in the exercise of a legal jurisdiction, and in the discharge of his public duty, *both before and afterwards.*

The private Notes of Cosin, however, originally written before 1662, and made known to the public half a century or more after they were written, appear to have been adopted without much examination by writers who have followed. Bishop Gibson, in the "Codex" published in 1713, apparently echoing Cosin's words, says :—

"Which other order (at least in the method prescribed by this Act) was never yet made; and, therefore, *legally*" [the *italics* are Gibson's], "the ornaments of ministers, in performing Divine Service, are the same now as they were in 2 Edw. VI."

Burn, in his Ecclesiastical Law, follows Gibson, as Gibson had followed Cosin. Dr. Cardwell, the last author cited, *erroneously supposed* that there was a judicial decision which had established that an instrument under the Great Seal was necessary for a due execution of the Parliamentary power, and, for that reason, only, he concluded that the Book of Advertizements had not the force of law.*

Their Lordships will now refer to the opinion expressed by the other author, Bennet, already mentioned, whose work was published before Cosin's Notes were made public.

He states† the Rubrics of 1549, 1559, and 1662, and then proceeds thus :—

"From hence it seems to follow that the present Rubric, and that of Queen Elizabeth, which are in effect the very same, do restore those ornaments which were abolished by King Edward VI's Second Book, and which, indeed, have been disused *ever since that time.*

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* Cardwell, Confer., p. 38, note. [Compare above, p. 11.]

† Paraphrases with Annotations upon the Book of Common Prayer, 2nd edition, pp. 4, 5.

But it must be considered that in the latter part of the Act of Uniformity, 1 Eliz., there is this clause ('*until other order*,' &c.); this clause explains Queen Elizabeth's Rubric, and, consequently, the present one, which is, in reality, the same. So that those ornaments of the Church and its ministry which were required in the second year of King Edward were to be retained till the Queen (and, consequently, any of her successors), with the advice before specified, should take other order. Now, such other order was accordingly taken by the Queen in 1564,* which was the seventh of her reign. For she did then, with the advice of her Ecclesiastical Commissioners, particularly the then Metropolitan, Dr. Matthew Parker, publish certain Advertizements, wherein are the following directions:"—

[He then quotes the Advertizements, and afterwards states the Canons.]

"From hence 'tis plain that the parish priests (and I take no notice of the case of others) are obliged to use no other ornaments but surplices and hoods. For these are authentic limitations of the Rubric, which seems to require *all* such ornaments as were in use in the second year of King Edward's reign. Besides, since *from the beginning of* Queen Elizabeth's reign down to our own times, the disuse of them has most notoriously been allowed; therefore, though it were not strictly reconcilable with the letter of the Rubric, yet we cannot be supposed to be under any obligation to restore the use of them. And, indeed, if that practice which our Governors do openly and constantly permit and approve be not admitted for a good interpretation of laws, whether ecclesiastical or civil, I fear it will be impossible to clear our hands of many repugnances of different kinds besides this under debate."

It only remains to consider the bearing on this part of the present case of the former decisions of the Judicial Committee in Liddell *v.* Westerton and Martin *v.* Mackonochie.

Liddell v. Westerton.

As to Liddell *v.* Westerton, everything said and done in that case to which the Rubric of 1662 was material, had reference exclusively to ornaments *of the church. The Court had "nothing to do with the ornaments of the minister* or

* [*i.e.* 1564, Old Style. The date (Jan. 25, 1565, New Style) being that of the Queen's Letter, *not* of the Advertizements issued under it in the following year, 1566.]

anything appertaining thereto."—(Moore's separate Report, p. 31.) The questions whether the power of the Crown, under the 1st Elizabeth, cap. 2, sec. 25, had ever been duly exercised, and (if so) with what effect; whether the Rubric of 1662 was to be read with that section, as a law still in force, or not; what would be the effect of so reading it, and whether any aid towards the solution of those questions might be derivable from usage, either before or after 1662, and what such usage had been, were none of them before Dr. Lushington, or the Court of Arches, or the Judicial Committee. It was not suggested that anything had ever been done under the 1st Elizabeth, cap. 2, sec. 25, as to any "Ornaments of the *Church*."* Under these circumstances it was sufficient, as well as most convenient, to refer to the Rubric, and to that alone; the effect of which was *as to that matter*, simply coincident, and identical with that of the section in the Act of Elizabeth, assuming it to be then in force.

It is perfectly consistent that the Rubric should speak with the authority of the Statute, *so far as* the language and effect of both are identical, and yet should not supersede or control the operation of that part of the Statute which it does *not* in terms repeat.

It is true that Dr. Lushington did, in more than one passage of his Judgment, signify his assent to what he described as the

"Irresistible argument that the last Statute of Uniformity, by referring to the First Book of Common Prayer of Edward VI, excluded not only the Second Book but everything else effected in the interval between 1549 and 1662, whether by Act of Parliament or by Canon, which could or might have altered what existed in 1549; and, consequently, that nothing done from 1549 to 1662, however lawful during that period, had in itself force or binding authority after the Statute of 1662 came into operation."

Everything which fell from that very learned Judge is entitled to most respectful consideration; but he had not been (as their Lordships now have been) *upon the path of inquiry which was really necessary* to support or to disprove that proposition.

Nothing to the same effect is to be found in the Judgment of the Judicial Committee, which overruled that part of Dr. Lushington's

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* [This proceeds on the assumption that the "altar" of Edward's First Book was not an "ornament of the Church." It was held in Liddell *v.* Westerton to be illegal.]

Judgment in which these *dicta* occur, reversing his decision and that of the Court of Arches as to the crosses *not* connected with the Communion Table; and also rejecting as erroneous his view of the meaning of the words "ornaments of the church" as used in the Rubric; which view had nevertheless been held in both the Courts below to be clear and indisputable.

There is, however, in the Judgment of the Judicial Committee, delivered by Mr. Pemberton Leigh, the following passage, which has been much relied on by the Appellant:—

"It will be observed that this Rubric (that of 1559) does not adopt precisely the language of the Statute, but expresses the same thing in other words. The Statute says: 'such ornaments of the church, and of the ministers thereof, shall be retained and be in use;' the Rubric 'that the minister shall use such ornaments in the Church.' The Rubric to the Prayer Book of January 1, 1604, adopts the language of the Rubric of Elizabeth. The Rubric to the present Prayer Book adopts the language of the Statute of Elizabeth. But they all obviously mean the same thing; that the same dresses, and the same utensils, or articles which were *used* under the First Prayer Book of Edward VI, may still be *used*. None of them, therefore, can have any reference to articles *not used* in the services, but set up in churches as ornaments *in the sense of decorations*."

This passage has been the subject, as it appears to their Lordships, of remarkable misconception. It was sufficient for the purpose of the question as to crosses then before the Judicial Committee, to consider only the meaning of the exact words of the Rubric itself, standing alone, and the words corresponding to them which were found in the Statute of Elizabeth and the Rubric of 1599; and to do this with a view only to the interpretation of the two particular *phrases*, "ornaments *of the church*," and "by *authority of Parliament* in the second year of the reign of King Edward VI." For that purpose of *verbal* exposition the statement in this passage of the Judgment (with the exception of a somewhat inaccurate expression as to the Rubric of 1604) was unexceptionably correct. The words of the Rubric of 1662, *standing alone*, and the corresponding words in the Statute of Elizabeth and the Rubric of 1559 and 1604, do mean what is there stated, neither more nor less. In the Act of Elizabeth there are *other and further words*, the effect of which, if still in force, is

in the present case very important; but in that part of the judgment of *Liddell* v. *Westerton*, any examination of the effect of those words, or of the questions arising out of them with reference to any ornaments *of the ministers* of the Church, would have been absolutely irrelevant. *Judges weigh their words with reference to the questions which they have to consider, and not with reference to questions which are not before them.* If what was then said could properly be applied to a purpose not then in contemplation, the statement that the words of the 25th section of the Act of Elizabeth, the Rubric of 1559 and 1604, and the Rubric of 1662, "all obviously mean the same thing," might more reasonably be alleged in proof that the Judicial Committee thought the words "according to the Act of Parliament set forth in the beginning of this Book," or the words "until other order taken therein," &c., were still implied at the end of the Rubric of 1662, than the succeeding words can be relied on to show that they held all the vestures of the clergy prescribed by the First Book of King Edward to be lawful at all the three epochs referred to—1559, 1604, and 1662.

Martin v. *Mackonochie.*

With respect to the decision of the Judicial Committee in *Martin* v. *Mackonochie* little need be said. There, too, it was sufficient to consider the effect of the mere words of the Rubric of 1662, repeating (as it did) in 1662 the language of the Act of the first year of Elizabeth, on a point *unaffected by anything done in the meantime.* The points determined in *Liddell* v. *Westerton* are succinctly stated, approved, and followed. There is no reference to the particular passage, in the judgment of *Liddell* v. *Westerton*, on which the Appellant's Counsel rely; though, if there had been, their Lordships would have been of opinion, for the reasons already stated, that the present question would be in no way affected by it.

Their Lordships, for these reasons, which, out of respect for the elaborate arguments so earnestly addressed to them, and not from any hesitation as to the decision at which they should arrive, they have expressed at a length greater than is usual, are of opinion that the decision of the learned Judge of the Arches Court as to the vestments worn by the Appellant, following that of this Committee in *Hebbert* v. *Purchas*, is correct, and ought to be affirmed.

Their Lordships will now proceed to consider the charge against the Appellant with reference to his position during the Prayer of Consecration.

EASTWARD POSITION.

The allegation upon that head is that the Appellant, when officiating in the Service of the Holy Communion, unlawfully stood, while saying the Prayer of Consecration in the said Service, at the middle of the west side of the Communion Table, such Communion Table then standing against the east wall, with its shorter side towards the north and south, in such wise that during the whole time of his saying the said prayer he was between the people and the Communion Table, with his back to the people, so that the people could not see him break the bread or take the cup in his hand.

The rule by which the position of the minister during the celebration of the Holy Communion is to be determined must be found in the Rubrical directions of the Communion Office in the Prayer Book, there being, as to this matter, nothing in any Statute to control or supplement those directions.

In examining these directions, their Lordships propose to put aside the argument, very much pressed upon them, that the proper and only proper position for the Communion Table is in the body of the church, or in the middle of the chancel, and that it is in a wrong position when placed, at the time of the Communion Service, along the east wall. *They think this argument has no sufficient foundation.* No charge is made that in the church of the Appellant the Communion Table stood where it ought not to have stood, and, in the opinion of their Lordships, *no such charge could have been sustained.*

The Rubric, indeed, contemplates that the Table *may* be removed at the time of the Holy Communion; but it does not, in terms, *require* it to be removed. Morning and Evening Prayer are, according to one of the early Rubrics of the Prayer Book, to be used in the accustomed place of the church, chapel, or chancel. In churches where it is customary to use both the chancel and body of the church, or the chancel alone, for Morning and Evening Prayer, the direction that the Table shall stand "where Morning and Evening Prayer are appointed to be said," is satisfied *without* moving it. That direction cannot be supposed to mean that the

position of the Table is to be determined by that of the minister's reading-desk or stall only, the service being "used" and "said" by the congregation as to the part in it assigned to them, as well as by the minister. The practice as to the moving or not moving the Table has varied at different times. It was generally, if not always, moved, in the earlier part of the post-Reformation period. When the revision of 1662 took place, and when the present Rubric before the Prayer of Consecration was for the first time introduced, it had come to be the case that the Table was very seldom removed. The instances in which it has been removed may be supposed from that time to have become still more rare: and there are now few churches in the kingdom in which, without a structural rearrangement, the Table could be conveniently removed into the body of the church. The utmost that can be said is, that *the Rubrics are to be construed so as to meet either hypothesis.*

Their Lordships have further to observe that the Rubrics assume that, before the Prayer of Consecration is reached, those who intend to communicate will have drawn near to the Communion Table, wherever it may be placed, so as to concentrate the Communicants near it or round it, and thus enable them to witness the ministration more easily than if they had remained in their places throughout the church.

It is proper also to point out that the term "east" or "eastward" nowhere occurs in the Rubrics. From the mention that is made of the north side, it seems to be supposed that in all churches that expression would represent a uniform position, and there is no doubt that from the almost universal eastward position of churches in England this would be the case; but the north is the only point of the compass which is actually referred to.

During several portions of the Communion office the minister is directed, either expressly, or by reference or implication, to stand at the north side of the Table. Where this is the case, their Lordships have no hesitation in saying that whether the table is placed altarwise along the east wall, or standing detached in the chancel or church, it is the duty of the minister to stand at the side of the Table, which supposing the church to be built in the ordinary eastward position, would be next the north, *whether that side be a longer or shorter side* of the Table. No doubt in a certain context the

Meaning of word "Side."

word "side" might be so used as to be shown *by that context* to be contra-distinguished from the top, or bottom, or end of a subject of quadrilateral or any other figure. But for this purpose a determining *context* is necessary. In the absence of such a context *it is accurate, both in scientific and in ordinary language, to say that a quadrilateral table has four sides.* In the Rubrics not only is there no context to exclude the application of that term to the shorter as well as the longer sides; but the effect of the context is (as it appears to their Lordships) just the reverse. The direction is absolute, and has reference to one of the points of the compass, which are fixed by nature; *the figure and the position of the Table are not fixed* either by nature or *by law;* and the purpose of the direction is to regulate, *not* one part or another of *the Table,* but the position of *the minister* with reference thereto. Under these circumstances, it seems extravagant to put on the word "side," a sense more limited than its strict and primary one, for the purpose of suggesting difficulties in acting upon the rule, which for nearly two centuries were never felt in practice, and which would not arise if the strict and primary sense were adhered to.

If it were necessary that there should be extracted from the Rubrics a rule governing the position of the minister throughout the whole Communion office, where no contrary direction is given or necessarily implied, the rule could not, in their Lordships' opinion, be any other than that laid down in *Hebbert* v. *Purchas;* and they entertain no doubt that the position which would be required by that rule—a position, namely, in which the minister would stand at the north side of the Table, *looking to the south*—is not only lawful, but is that which would, under ordinary circumstances, *enable the minister, with the greatest certainty and convenience, to fulfil the requirements of all* the Rubrics. The case, however, with which their Lordships have to deal is one which may assume the character of a penal charge. It might be a penal charge against the present Appellant that he has stood, during the Prayer of Consecration, on the west side of the Table; and on the other hand, on a construction of the Rubric the opposite of that contended for by the Respondents, a penal charge might be maintained against a priest who stood at the north side. It is therefore necessary to be well assured, both that there is a direction free from ambiguity that the priest should stand, during this particular Prayer, either at the north or at the

west side, and also that no other test is supplied by the Rubric in question which would be a sufficient and intelligible rule for the position, at that part of the service, of the priest.

Their Lordships have therefore to consider the precise wording of the Rubric preceding the Prayer of Consecration taken in connection with the Prayer itself.

It is to be observed that the Revision in 1662 introduced for the first time the breaking of the bread as one of the manual acts to be done during the Prayer of Consecration, and that, although some of the other manual acts, namely, the taking the bread and the cup into the priest's hands, had been mentioned in the Rubric of the First Prayer Book of Edward VI. they had not been contained in the Second Prayer Book of that Sovereign, or in the Prayer Books of Elizabeth or James I. The Rubric "That he may with the more readiness and decency break the bread before the people," &c., was also new; and it is not impossible that one of the reasons for its introduction may have been to meet one of the demands or suggestions of the Puritan party, who had proposed a form of service in which the priest was to be ordered to break the bread "in the sight of the people."*

"Before the people."

Their Lordships are of opinion that the words "before the people," coupled with the direction as to the manual acts, are meant to be equivalent to "*in the sight of the people.*" They have no doubt that the Rubric requires the manual acts to be so done, that, in a reasonable and practical sense, the Communicants, especially if they are conveniently placed for receiving of the Holy Sacrament, as is presupposed in the office, may be witnesses of, *that is, may see them.* What is ordered to be done before the people, when it is the subject of the sense, not of hearing, but of sight, cannot be done before them unless those of them who are properly placed for that purpose can see it. It was contended that "before the people" meant nothing more than "in the church;" to guard against an anterior and secret consecration of the elements. But if the words "before the people" were absent, the manual acts, and the rest of the service *could not* be performed elsewhere than in the church, and in that sense *coram populo*, nor could the Sacrament be distributed except in the place and at

* 4 Hall. Reliq. Liturg. [Card. Conf. 363, Kennet's Register, i. 585.]

the time of its consecration; and the argument would, therefore, reduce to silence the words "before the people," which are an emphatic part of the declaration of the purpose for which the preparatory acts are to be done. That declaration applies not to the service as a whole, nor to the consecration of the elements as a whole, but to the manual acts, *separately and specifically*.

There is, therefore, in the opinion of their Lordships, a rule sufficiently intelligible to be derived from the directions which are contained in the Rubric as to the acts which are to be performed.

"Ordering" the elements.

The minister is to order the elements "standing before the Table;" words which, whether the Table stands "altarwise" along the east wall, or in the body of the church or chancel, would be *fully satisfied by his standing on the north side and looking towards the south;* but which also, in the opinion of their Lordships, as the Tables are now usually, and in their opinion *lawfully*, placed, authorize him to do those acts standing on the west side and looking towards the east. Beyond this and after this there is no specific direction that, during this prayer, he is to stand on the west side, or that he is to stand on the north side. He must, in the opinion of their Lordships, stand so that he may, *in good faith, enable the Communicants* present, or the bulk of them being properly placed, *to see*, if they wish it, *the breaking of the bread*, and the performance of the other manual acts mentioned. He must not interpose his body so as intentionally to defeat the object of the Rubric and to prevent this result. It may be difficult in particular cases to say exactly whether this rule has been complied with; but *where there is good faith* the difficulty ought not to be a serious one; and it is, in the opinion of their Lordships, clear that *a protection was in this respect intended to be thrown around the body of the Communicants, which ought to be secured to them by an observance of the plain intent of the Rubric.*

In applying these principles to the present case, their Lordships find that some difficulty has arisen from the circumstances under which the evidence was taken. The charge against the Appellant was a twofold one; both that he had stood at the middle of the west side with his back to the people, and that the people could not see him break the bread or take the cup in his hand. The witness Nicholson undoubtedly states that, at the service of which he speaks,

while sitting in the nave, he could not see the Appellant perform the manual acts; and the witness Bevan gives evidence to the same effect. But with regard to Nicholson, he explains, as their Lordships understand his evidence, that, whether persons could see what the Appellant was doing would depend on whether they were sitting immediately behind him or were sitting on one side or the other; and with regard to Bevan, he states that, what would have prevented a man who sat at the side from seeing what the Appellant did, was, that he had on a chasuble, "which is a sort of cloak which spreads his body out."

When the Appellant himself was examined, he does not appear to have been asked any question on the subject; and the inference which their Lordships draw from the whole examination is, that inasmuch as at that time it was understood to be the law, founded on the decision in *Hebbert* v. *Purchas*, that the standing on the west side of the Table was, of itself and without more, unlawful, neither party thought it important to carry the evidence with any precision beyond this point, the Respondents thinking they had established their case, and the Appellant not being prepared to dispute the fact of the position in which he stood.

Their Lordships are not prepared to hold that a penal charge is established against the Appellant merely by the proof that he stood while saying the Prayer of Consecration at the west side of the Communion Table, without further evidence that the people could not, in the sense in which their Lordships have used the words, see him break the bread or take the cup into his hand, and they will therefore recommend that an alteration should be made in the decree in this respect.

Their Lordships, before leaving this part of the case, think it right to observe that they do not consider the Judgment in the case of *Martin* v. *Mackonochie* to have any material bearing on the question now before them. The decision in that case was that the Priest must stand during the Prayer of Consecration, and not kneel during a part of it. The correctness of that decision has not been, and, as their Lordships think, *cannot be, questioned*. Nothing is more clear throughout the Rubrics of the Communion office than that when the priest is intended to kneel, an express provision is made on the subject. The conclusion, however, in *Martin* v. *Mackonochie*, is expressed, per-

Martin v. *Mackonochie.*

haps, more broadly than was necessary for the decision. What was obviously meant was that the posture of standing was to be continued throughout the whole of the prayer. Nothing was or could be decided as to the place in which the priest was to stand, *for that question was not raised, and was not in any manner argued*, in the case.

Their Lordships will now proceed to the charge as to wafer or wafer-bread. The charge as to that is "that the Appellant used in the Communion Service and administration wafer-bread or wafers, to wit, bread or flour made in the form of circular wafers instead of bread such as is usual to be eaten." And this is traversed by the Appellant.

Wafers.

It appears that the allegation is in the same form as that used in the Purchas Case; but in that case the Defendant did not appear, and no criticism seems to have taken place as to the form of the allegation or its sufficiency.

It is probable that the allegation was meant to raise the question as to the legality of the wafer, as distinguished from bread of the kind "usual to be eaten," and there are certainly some indications that the Appellant and his Counsel so understood, and meant to meet, the charge.

A different view has, however, been taken by the Counsel for the Appellant on the Appeal, and they have maintained that there is no averment that the wafer, as distinguished from bread ordinarily eaten, was used. They contend that the charge goes to the shape, and not to the composition of the substance.

Their Lordships are of opinion that this objection must prevail. The charge, in their opinion, is consistent with the possibility of it having been the fact that bread "such as is usual to be eaten," but circular, and having such a degree of thinness as might justify its being termed wafers, was what was used. And if this is what was used, their Lordships do not think it could be pronounced illegal.

As, however, the question of the construction of the Rubric has been raised on this Appeal, as it was in the Purchas Case, their Lordships think it right to express their opinion upon it, at the same time that they give the Appellant the benefit of the ambiguity which exists in the *form* of the charge.

It is to be observed that the Rubric does not in any part of it use the term "wafer." The words are "bread:" "bread such as is

usual to be eaten," and "the best and purest wheat bread that conveniently may be gotten."

Wafers illegal.

Their Lordships have no doubt that a wafer in the sense in which the word is usually employed, that is, as denoting a composition of flour and water rolled very thin and unleavened, is not "bread such as is usual to be eaten," or "the best and purest wheat bread that conveniently may be gotten."

The only question on the construction of the Rubric is that raised upon the words "it shall suffice."

There is no doubt that in many cases these words standing alone and unexplained by a context, would be quite consistent with something different from, larger or smaller, more or less numerous, more or less costly, than what is mentioned, being supplied.

Here, however, the sentence commences with the introduction: "To take away all occasion of dissension *and superstition*, which any person hath or might have concerning the bread, it shall suffice," &c. These words seem to their Lordships to make it necessary that that which is to take away the occasion of dissension and superstition should be something definite, exact, and different from what had caused the dissension and superstition. If not, the occasion of dissension remains, and the superstition may recur. "To suffice," it must be as here described. What is substantially different will not "suffice."

The Rubric, which orders that the bread and wine shall be provided by the curate and churchwardens at the expense of the parish, seems to contemplate ordinary bread as the only material to be used, and the 20th Canon is still more precise in the same direction.

The former Rubric (of 1552, 1559, and 1604) had said, "It shall suffice that the bread be such as is usually to be *eaten at the table with other meats*, but the best and purest wheat bread that conveniently may be gotten." Queen Elizabeth's Injunction of 1559 on the same subject (in its form mandatory, and acted upon for many years afterwards) was issued when this Rubric had the force of law, and must be understood in a sense consistent with, and not contradictory* to, it. That Injunction distinguishes between†

* [Abp. Parker held the Injunction to be a "further order" in limitation or restriction of the rubric under the 26th section of 1 Eliz. c. 2. See Parker Corr., p. 375.]

† 1 Card. Doc. Ann., 202.

"the sacramental bread" and "the usual bread and wafer, heretofore named singing cakes, which served for the use of the private mass;" directing the former to be "made and formed plain, without any figure thereupon, and of the same fineness and fashion round" as the latter, but "to be somewhat bigger in compass and thickness." The form, and not the substance, is here regulated. To order the use of the *substance properly called "wafer,"* which was *not* "bread such as is usual to be eaten at the table," *would have been directly contradictory to the Rubric;* and this cannot be supposed to have been intended.

There was evidently "dissension" on this subject, and some diversity of practice in the reign of Elizabeth. It appears from passages in the Fourth Book of the "Ecclesiastical Polity,"* published in 1594, that Hooker considered the use, either of leavened or unleavened bread, to be at that time lawful. But the point was one as to which controversy then existed, and had given occasion to strife. In 1580, Chaderton, Bishop of Chester, acting as Commissioner in Lancashire, under the Crown, applied to the Privy Council for instructions as to "two special points worthy of reformation;" one of which was "for the Lord's Supper, with wafers, or with common bread." The Lords of the Council replied (26th July, 1580) that they thought both points ought to be referred to the consideration of Parliament; adding:—"In the meantime, for the appeasing of such *division and bitterness* as doth and may *arise of the use of both* these kinds of bread, we think it meet, that in such parishes as do use the common bread, and in others that embrace the wafer, they be severally continued as they are at this present. Until which time, also, your Lordship is to be careful, according to your good discretion, to persuade and procure a quietness amongst such as shall strive for the public maintaining either of the one or the other." (Peek's "Desiderata Curiosa," p. 91.)

In a later letter, the Bishop recurred to the same question, and was thus answered (21st August, 1580), by Lord Burghley and Sir Francis Walsingham:—"Concerning the last point of your letter, contained in a postscript, whereby appeareth that some are troubled about the *substance* of the Communion bread, it were good to teach them that are weak in conscience, in esteeming of the

* 1 Hooker's Works by Keble, 6th edition, pp. 449-451.

wafer-bread, not to make difference. But, if their weakness continue, it were not amiss in our opinions, charitably to tolerate them, as children with milk. Which we refer to your Lordship's better consideration." (*Ibid.*, p. 94.)

In 1584, Bishop Overton, of Lichfield, issued an Injunction to the clergy of his diocese:—"That the Ordinance of the Book of Common Prayer be from henceforth observed in this, that the bread delivered to the communicants be such as is usual to be eaten at the table with other meats, yet of the purest and finest wheat; and no other bread to be used by the minister, nor to be provided for by the Churchwardens and parishioners, than such finest common bread." (Appendix to the 2nd Report of Rit. Comm., p. 430.)

The 20th Canon of 1603-4, already mentioned, seems to have proceeded on the same view of the law; and, after the passing of that Canon, the usual form of inquiry in the Visitation Articles of Bishops and Archdeacons (*e.g.*, Archbishop Bancroft in 1605, Bishop Babington, of Worcester, in 1607; and Bishop Andrewes in 1619), was, whether the churchwardens always supplied, for the Holy Communion, "fine white bread."

The same form of inquiry continued to be generally used after the Rubric had been altered, upon the Revision of 1662, so as to express its purpose to be, "to take away all occasion of *dissension*," as well as of "superstition" (which alone had been previously mentioned). The same motive had been expressed in the Rubric of King Edward's First Prayer Book, "for avoiding all matters and occasion of dissension" ("superstition" not being then added); when the opposite course was taken, of requiring unleavened bread, of a certain form and fashion, to be everywhere and always used. The practice of using fine wheat bread such as is usual to be eaten, *and not cake or wafer*, appears to have been universal throughout the Church of England from the alteration of the Rubric in 1662, till 1840, or later.

Their Lordships think that *if it had been averred and proved that the wafer*, properly so called, had been used by the Appellant, *it would have been illegal*, but as the averment and proof is insufficient, they will advise an alteration of the Decree in this respect.

There remains to be considered the charge as to the Crucifix.

Crucifix. As to this the allegation is, that the Appellant

unlawfully set up and placed upon the top of the screen separating the chancel from the body or nave of the church a crucifix and twenty-four metal candlesticks, with candles which were lighted on either side of the Crucifix.

This charge was accompanied by two other charges, in respect of which the Appellant has been admonished to abstain from the acts complained of, and to this part of the monition he has submitted. One of these charges was for having formed and accompanied a procession from the chancel, down the north aisle and up the nave back to the chancel again, on the occasion of public service, those taking part in the procession at one time falling upon their knees, and remaining kneeling for some time. The other charge was the setting up, attached to the walls of the church, representations of figures, in coloured relief of plastic material, purporting to represent scenes of our Lord's Passion, and forming what are commonly called Stations of the Cross and Passion, such as are often used in Roman Catholic Churches.

The learned Judge, whose decision is under Appeal, thus describes the Screen and Crucifix:—

"There is a screen of open ironwork some 9 feet high stretching across the church at the entrance to the chancel; the middle portion of this screen rises to a peak, and is surmounted by a crucifix or figure of our Saviour on the Cross in full relief and about 18 inches long—this is the crucifix complained of. The screen of course, from its position, directly faces the congregation, and the sculptured or moulded figure of our Lord is turned towards them. There is, further, a row of candles at distances of nearly a foot apart all along the top of the screen, which is continued up the central and rising portion of it, the last candles coming close up to the crucifix on either side, so that when the candles are lighted for the evening service, I should presume that the crucifix would stand in a full light."

For the erection of this screen at the entrance of the chancel, in the form in which it is now found there, and surmounted by the crucifix in question, their Lordships think it clear that no faculty has been obtained. There is, indeed, a faculty, dated the 23rd of August, 1870, authorizing the building of "a dwarf wall with screen thereon of light ironwork between the chancel and the nave;" and this faculty appears to have been granted with reference to a ground plan annexed to the petition for the faculty;

which ground plan specifies the place where this screen of light ironwork was to be erected. But no further information was given to the Ordinary of the character of the structure, much less of the crucifix by which it was to be surmounted.

Technically, therefore, it must be held that, in the absence of a proper faculty, the crucifix was unlawfully set up and retained. If, however, their Lordships were of opinion that the case was one in which, under all the circumstances, the Ordinary, on the application for a faculty, ought to grant, or might properly grant, a faculty, they might probably have thought it right, before pronouncing any Judgment, to have given an opportunity to the Appellant to apply for a faculty.

No faculty could be granted.

Their Lordships, however, are of opinion that under the circumstances of this case, *the Ordinary ought not to grant a faculty for the crucifix.*

The learned Judge refers to two cases, decided by this Tribunal which have a material bearing upon the present question.

The first of these was the case of *Liddell* v. *Westerton.** In this case, as the learned Judge states, the Court had to pronounce upon the legality of a Cross set up in Appellant's church. And it was decided that, although before the Reformation the symbol of the Cross had no doubt been put to superstitious uses, "yet that Crosses, when used as *mere emblems* of the Christian faith, and not as objects of superstitious reverence, may still lawfully be erected as *architectural decorations,*" and that the wooden cross erected in that particular case "was to be considered a mere *architectural* ornament."

The Court determined nothing directly as to the legality of a crucifix, but was at great pains throughout the Judgment to point out that crosses were to be distinguished from crucifixes, saying that "there was a wide difference between the Cross and images of saints, and even, though in a less degree, between a Cross and a crucifix," the former of which, they said, had been "used as a symbol of Christianity two or three centuries before either crucifixes or images were introduced."

The other case is that of *Philpotts* v. *Boyd.*† As to this case, the learned Judge states that this Tribunal, in justifying the erection of the Exeter reredos, adhered entirely and very distinctly

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* Moore's Special Report. † 6 L. R. Pr. C. Ap. 435.

to the position taken up in the previous case, and pronounced that erection lawful, though it included many sculptured images, on the express ground "that it had been set up for the *purpose of decoration only*," declaring that it was "not in danger of being abused," and that "it was not suggested that any superstitious reverence has been, or is likely to be, paid to any of the figures upon it."

The learned Judge then proceeds to consider whether it would be right to conclude that the crucifix in the present case was set up for the purposes of decoration only; whether it is in danger of being abused, or whether it could be suggested that superstitious reverence had been, or was likely to be, paid to it.

Special history of Crucifix.

The learned Judge states that the crucifix, as formerly set up in our churches, had a special history of its own.

He refers to the Rood ordinarily found before the Reformation in the parish churches of this country, which was, in fact, a crucifix with images at the base, erected on a structure called the rood loft, traversing the church at the entrance to the chancel, and occupying a position not otherwise than analogous to that which the iron screen does in the present case.

He refers to the evidence as to the preservation of the crucifixes or roods during the reign of Queen Mary, and of their destruction, as monuments of idolatry and superstition, in the reign of Elizabeth.

He takes notice of a letter of Bishop Sandys in 1561 in the "Zurich Letters," first series, p. 73, in which he states :—

"We had not long since a controversy respecting images. The Queen's Majesty considered it not contrary to the Word of God, nay, rather for the advantage of the Church, that the image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the church where they might more readily be seen by the people. Some of us thought far otherwise, and more especially as all images of every kind were at our last visitation not only taken down, but also burnt, and that too, by public authority, and because the *ignorant and superstitious multitude are in the habit of paying adoration to this idol above all others.*"

The learned Judge arrives at the conclusion that the crucifix so

placed formed an ordinary feature in the parish churches before the Reformation, and that it did so, not as a mere architectural ornament, but as an object of reverence and adoration.

He further points out that the worship of it was enjoined in the Sarum Missal, in which the order of service for Palm Sunday ends with the adoration of the Rood by the celebrant and choir before passing into the chancel. And to this reference might be added one to the order for the Communion according to the Hereford use, in which there is a prayer with this introduction :—

" Postea sacerdos adorans crucifixum dicat."

Proceeding then on these considerations, and dealing with a church in which was found not merely an illuminated crucifix, but also those stations of the cross and other acts in the conduct of the services, the illegality of which the Appellant does not challenge in his Appeal, the Judge continues thus :—

" It is no doubt easy to say, what proof is there of idolatry now ? What facts are there to point to a probability of ' abuse ?'

" But when the Court is dealing with a well-known sacred object—an object enjoined and put up by authority in all the churches of England before the Reformation, in a particular part of the church and for the particular purpose of ' adoration '—when the Court finds that the same object, both in the church and out of it, is still worshipped by those who adhere to the unreformed Romish faith, and when it is told that, now, after a lapse of three hundred years, it is suddenly proposed to set up again this same object in the same part of the church *as an architectural ornament only*, it is hard not to distrust the uses to which it may come to be put, or escape the apprehension that what begins in ' decoration ' may end in ' idolatry.'

" If this apprehension is a just and reasonable one, then there exists that likelihood and danger of ' superstitious reverence ' which the Privy Council in *Philpotts* v. *Boyd* pronounced to be fatal to the lawfulness of all images and figures set up in a church."

In these observations of the learned Judge their Lordships concur ; and they select them as the grounds of his decision which commend themselves to their judgment. They are prepared under the circumstances of this case, to affirm the decision directing the *removal of the crucifix*, while at the same time they desire to say that they think it important to maintain, as to

representations of sacred persons and objects in a church, the liberty established in *Philpotts v. Boyd,* subject to the power and duty of the Ordinary so as to exercise his judicial discretion in granting or refusing faculties, as to guard against things likely to be abused for purposes of superstition.

On the whole, therefore, their Lordships will humbly recommend Her Majesty to affirm the Decree of the Court of Arches except as regards the position of the minister and the use of wafer-bread or wafers; and as to these excepted matters they will humbly advise Her Majesty that inasmuch as it is not established to their satisfaction that the Appellant, while saying the Prayer of Consecration, so stood that the people could not see him break the bread or take the cup into his hand, as alleged in the representation; and, inasmuch as it is not alleged or proved that what was used by him in the administration of the Holy Communion was other than bread such as is usual to be eaten, the decree of the Court of Arches should be in these respects reversed. And they will further humbly advise Her Majesty that in respect of the charges as to which the Decree is reversed, the costs in the Court of Arches should be paid by the Respondents to the Appellant; and further that there should be no costs of this Appeal.

To be obtained at the office of the Church Association, 14, Buckingham Street, Strand, London, at the price of 2*d* each.

4th Thousand.]

THE THREATENED REVIVAL

OF

CANON LAW

IN

THE CHURCH OF ENGLAND;

BEING THE SUBSTANCE OF

A PAPER READ AT THE ANNUAL CONFERENCE OF THE MIDLAND CLERICAL AND LAY ASSOCIATION, 1884,

BY

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No. CXI.]

REVIVAL OF CANON LAW.

This Paper is intended to bring out some points which may be new to many friends of the English Reformation :—

1. That the Canon Law and the "Spiritual" (*i.e.* Clerical) Courts were not directly included in the "Reformation."
2. The exceptional and irregular importance of a Judicature, which has to apply and enforce a system of obsolete bye-laws of alien origin and Trades-unionist character.
3. The consequent danger of leaving the enforcement of such bye-laws to the "personal" discretion of Bishops without legal training or judicial experience, who are themselves guided by (so-called) Theological "experts" or Synodical (*i.e.* clerical) majorities.

TO put an end to litigation, and to secure order in any society, it is before all things necessary that its laws should be intelligible and consistent, that the remedies and protection which they afford should be available to all its members without respect of persons, that procedure should be simplified, and that punishment for wilful disobedience be made swift and inevitable. Every one of these conditions of a healthy judicature was absent from the scheme put forth by the Royal Commission of 1881-3.

Unfortunately, at the Reformation, no formal rectification of the canon law was effected, although almost every portion of it was tainted by the spirit of the Papacy, by theocratic theories of Church government, by superstitious regulations as to Church rites, or by vexatious meddling with the domestic relations of individual life.

With that practical shrewdness, but halting logic, which is said to be characteristic of Englishmen, we were content to amend the standards of doctrine, and to reform the ritual and service books, while placing upon the basis of "Royal supremacy" the already existing courts clerical side by side with other "departmental" branches of the administration of justice by the Crown. This done, the business of adapting the old wine-skins of canon law and ecclesiastical procedure to the new wine of a reinstated Gospel, a purified worship, and a married clergy, was left to be worked out, as best it might, by the courts themselves. Under these circumstances, it is obvious that the constitution and powers of the ecclesiastical courts become of the utmost impor-

tance, because it rests with these courts to declare whether any portion of the canon law which may be alleged in a given case is or is not "law."

Lord Chief-Justice Holt said "one-half of what one finds in Lyndwood is not the law of the land." * And Sir W. Scott referred to a canon of Abp. Peckham's as one of "the older canons, which perhaps can hardly be considered as carrying with them all their first authority" and declined accordingly to act upon it.†

Lord Denman said, "the Canon law is not part of the law of England, unless it is made so by authority of Parliament here, or by ancient and uninterrupted use and acknowledgment. The burden of proving that a particular part of that law is the law of England *rests with those who assert* it to be so."‡

Various expedients were adopted for reducing this chaotic system (or rather congeries) of unreformed bye-laws into tolerable accordance with the law of the land. The most ancient expedient was the power of *Prohibition*, of which Lord Cockburn said:—

"The fact is, we have a choice of evils. We must either leave the ecclesiastical judges to administer a law *which is not the general law of the land* without appeal or control, or we must subject them to the supervision and direction of the great judicial functionaries of equity and law." (Letter to Lord Penzance, p. 28.)

Another expedient has been to remove entire departments of social life from the jurisdiction of the spiritual courts—as, *e.g.* marriage, schism, brawling, wills, &c. Next, to introduce lay judges, and to assimilate the procedure of these courts to that of the ordinary "secular" tribunals; but, above all, to subordinate the whole hierarchy of the "courts spiritual" to a Court of Appeal consisting of the highest legal functionaries, whose minds, having been soaked in a wholly different set of traditions, must needs bring any judgment which they deliver into accord with the received principles of National law, and the received rules of Equity.

Whether it might not have been wiser to have codified and recast the entire canon law is a matter which I leave to theorists. But, assuredly, until it has been so recast, the administration of unreformed canon law cannot be safely entrusted to courts purely clerical. The character of recent episcopal appointments; the tone and temper of the clergy, who, as a

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* *Rex* v. *Raynes*, 1 Lord Raymord, 363.

† *Burgess* v. *Burgess*, 1 Hagg. Consist. Rep. p. 393, cf. *Gilbert* v. *Buzzard*, 1 Hagg. Cons. Rep. 355.

As to the supposed Parliamentary authority of canon law, see Tract on "The Reservation of the Host," p. 7. The argument is exhaustively dealt with by Dr. Archibald J. Stephens in the Second Report of the Ritual Commission, Appendix, p. 342.

‡ "Case of Dr. Hampden," p. 211. (Bell and Daldy.)

body, seem to be yearning for a revival of their ancient supremacy over the mere laity, who by ancient Canon Law are their "subjects,"* together with the steady growth of magical views as to the nature of the sacraments, and of sacrificial theories as to the nature of an Atonement still in process of being eked out by priests who "stand daily ministering oftentimes the SAME sacrifice;" these, as parts of a general recrudescence of mediæval ideas, should make us dread to entrust to courts manned exclusively by clergymen the administration of a system of clerical bye-laws derived by "historic continuity" from the darkest of dark ages.

For, remember, it is now claimed that "the common law of the church" ought to be held equally authoritative with canon or statute law. "How,' says Mr. Spencer Holland, 'can a purely legal court deal with matters not susceptible of legal terminology, and requiring for their interpretation inquiries outside the mere formularies, or Parliamentary statutes affecting them?" (Summary, p. 46.) He twice over quotes and adopts the language of Mr. Berdmore Compton. (Report of Eccl. Courts Commission, vol. ii. p. 121, Q. 2776), "that in deciding cases of doctrine a spiritual court would be obliged to go *outside* the formularies of the Church of England, which are *altogether insufficient* to determine a question of doctrine. It would have to consider the great common law of the Church." What that means may be judged of by the two illustrations which Mr. Berdmore Compton gave to the Commissioners, viz. that reception of the mixed chalice would be compulsory upon the laity (Q. 2784), and that a minister should be triable by "a court martial system,' for 'conduct unbecoming a priest" (Q. 2744).

Mr. Finlason (who, among lawyers, shares with Dr. Phillimore Mr. Holland's dislike of the Judicial Committee of Privy Council) speaks† of the conflict between

"The principle of Ecclesiastical authority, or traditional belief, and that of national opinion and positive law as representing it; the one retaining all the old doctrine and ritual, except so far as it had been expressly altered; the other discarding all, except what was expressly retained . . . when the controversy should come into the courts of law the result would depend,' he says, 'upon the character of the judicature, for upon that would depend the principle of interpretation adopted."‡

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* "Subditos." See "Jurisdiction in the Confessional," by the Rev. Edmund G. Wood, M.A. (Knott: 26, Brooke Street, E.C.)

† "History, Constitution, and Character of the Judicial Committee of Privy Council," p. 67.

‡ See "Legal History of Canon Stubbs" (Stanford), p. 68, and note p. 69. "As to these constitutions . . . they must be taken, if of force at the time of passing of *any* of the Acts of Uniformity, to have been repealed by those Acts."—P. C. Judgment in *Martin* v. *Mackonochie*, p. 26.

Hence he complains both of the decisions and of the reasons given for them by the Judicial Committee, as

"Plainly indicating that the Judicial Committee had adopted the popular view of the Reformation . . . so that on the one hand nothing is prescribed to the clergy as to doctrine, but what is laid down for them in the formularies, and that on the other hand nothing is allowed as to ritual which is not prescribed."—(p. 111.)

Instead of this Protestant and merely "legal" standard, we are bidden to rely upon the personal "discretion" of the bishops. The Royal Commissioners tell us (Report, page lii.), that they "desire to recognise *as a principle* that the judicial authority in the court of the bishop *resides in*, and should be exercised by the bishop himself." Bp. Stubbs in the Appendix (p. 45, col. ii., compared with 46, col. ii.), tells us that a bishop ought not to be bound by the precedents of *his own* court, and in his evidence he testified that before the Reformation "a great deal of loose matter" was imported into doctrinal cases (Q. 1138), and that "all things were conducted in a looseish sort of way" (Q. 1141), which he apologises for by saying that "the great object was to convert the man, and an immense number of them did in fact recant" (Q. 1142). Most of those, in fact, who were burned at the stake had in this way been previously induced to "recant," which they did, of course, insincerely, like the Moors in Spain.

Mr. Berdmore Compton told the Commission of 1883, "we must be satisfied with a rougher kind of justice altogether, something probably like going back to Primitive precedent, something like the justice administered for a diocese by the bishop in Synod,"* "for,' he adds, 'cases which affect ritual and the divine law should be entirely reserved to the clergy" (Q. 2666). The *forum domesticum* of the bishop is described in the Report of the Royal Commission on Eccl. Courts of 1832 (p. 54) as under "little restraint from the forms observed in contentious suits in courts of *Justice*."

You must be better able to judge than I, how far minorities among the clergy would be likely to get an "indifferent" administration of justice under a system of "Personal" Courts and "Sacred Synods;" but, as a layman, I may be permitted to say that a parallel proposal to commit secular causes to the individual discretion of the Sovereign, as being "the Lord's anointed," who should "sit in the gate" to administer justice direct from the fountain head, her assessors having "no voice in any decision" (as the Commissioners carefully provide), and this on the ground of "historic continuity" with Primitive

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* Diocesan Synods had no such "jurisdiction" till the fourth century See Report Eccl. Courts Commission, vol. ii.; Bright, Q. 5433; Jenkins, Q. 2910-13. "Primitive," *i.e.* four centuries after Christ!

times, when appeals were unknown,* would be universally regarded as the very height of midsummer madness.

As the Dean of Arches pointed out (Report, p. lxvi.), "It is to be apprehended that a bishop would not be careful to follow decided cases, with which, perhaps, he would be little familiar; that he would be apt to import into his enunciation of law considerations of policy and the elasticity of discretion, while in controversial matters of doctrine there would be room for the apprehension that he might bring to judicial decision opinions already formed, and perhaps strongly held on one side or other of the controversy."

I ask you to take note of the fact that the Report marks a new departure. For the first time since the Reformation, we have the theory put forth that the Crown is not the source of ecclesiastical jurisdiction, and that bishops' courts are entirely independent of the Crown, so that Canon (now Bishop) Stubbs even affirms that no appeals in heresy went even to the Delegates. This discovery has been hailed with rapture by the English Church Union, as furnishing a new "historical" basis for their theocratic ideal of priest-rule. It is, however, not founded in fact. Bp. Wolton wrote in 1581 to Lord Burleigh about "one Anthony Randal, late parson of Lydford in my diocese; whom I justly deprived for his damnable opinions and heresies. And after his appeal from me to the Arches, and from thence to Her Majesty's Delegates, I had my proceedings approved and ratified" (Strype, Ann. III-ii-180). Mr. Lewis in his "Reformation Settlement" (published by Elliot Stock) observes, "We have also the deprivation by the Delegates, on May 22nd, 1617, of M. Mady, rector of Blagdon, for grave crimes and excesses; on April 29th, 1619, of J. Eaton, Vicar of Wickham Market, for heresy (nonnullos et varios errores, falsasque opiniones): on February 13th, 1623, of J. Newton, parson of Havordstocke, for non-conformity (inconformem regimini et ritibus Ecclesiæ Anglicanæ incorrigibilem) just Bp. King's case; and in 1624, of Samuel Earle, rector of Thoydon Garnon" (pp. 284, 300, 365). Nevertheless, this unhistorical assumption is not only the most important portion of the Blue-book issued by the Commissioners, but is being made the basis of attempts at reactionary legislation.

Now, the assumption that two independent sources of jurisdiction co-exist side by side involves the idea that the Church is a "Kingdom" OF THE SAME KIND WITH (though differing in its objects from) the other "kingdoms of the world." The words "Render unto Cæsar," &c., are sometimes urged as though they were designed to exempt the clergy from the control of law, whereas it was "Cæsar" who, in this department, was entitled the "Minister of God;" and it was in rebuke of theocratic

* "There was no proper provision for appeal in the *Secular* Laws."—Stubbs' Historical Appendix, p. 23, col. ii. Compare Finlason, pp. 2, 37, 71.

pretensions on the part of a divinely-accredited clergy that the words were originally uttered. Can any arrogance, therefore, be more unseemly than to allege that "render unto God" means "render to the clergy the things that are God's"?

Some men seem to fancy that the voting power of clerical majorities will, in some supernatural way, enable us to command an inspired judgment. Yet how slender is the security thus afforded as witnessed by Mr. Berdmore Compton himself.

"Q. 2845. Then it might happen in a Synod that the arguments would be on one side, and votes on the other? Yes.

"Q. 2846. And do you think the general effect of such a judgment as that decided by a small majority against what would appear to be the weight of argument would carry satisfaction with it? No."

Confusion arises from forgetting that litigation in courts cannot possibly determine the truth or falsehood of dogma.

Courts *as* courts, and judges *as* judges, can never be the ultimate referees in the region of metaphysics. Would anyone alter one iota of his creed in consequence of the findings of any "court," even if it consisted of the five Œcumenical Patriarchs? If not, why not? The answer to that question will show that courts, however, entitled "spiritual," can deal only with the temporal accidents of spiritual things—benefices, endowments, freehold tenure of Church buildings, parochial limits, exclusive powers of officiating in given edifices and within given areas, &c. These, and all such things as these, though called "spiritual," are really "secular," belonging, that is, to the material world and to this present life, and by divine right, therefore, under the dominion of the civil ruler. If our minds get clear on this point, we shall see, I think, that ALL jurisdiction belongs from its very nature* to "Cæsar." The Church militant (like its Divine Master, when He trod this earth) has, and can have, no protection from injustice, and no exclusive privileges within the limits of the world of sense, except such as are granted by, and are dependent upon, "Cæsar." By "Cæsar" I mean, of course, the civil ruler, whether crowned or not; for, as St. Peter tells us, the *form* of government is a mere "ordinance of man." To the "powers that be" (*i.e.* to the *de facto* ruler) "jurisdiction" belongs by a right every whit as "divine" as though it were wholly supernatural. It is time that we should seriously reconsider the whole question of Church Reform, without troubling our heads as to a pedantic following of precedents, or as to the "historic continuity"—upon which the Commissioners insisted (when it happened to suit their immediate purpose)—with times wholly *un*like our own. Whether we regard the monopoly of learning by the Clergy, the social conditions

* Jurisdiction is the power (*juris dicendi, i.e.*) of defining those correlative rights and obligations which are the creations of law. Even Mr. Finlason (*before* he joined the Church of Rome) recognised this. Pp. 3, 32, 74, &c.

resulting from our complex civilisation, or the received beliefs and practices of our people, the last three hundred years have witnessed changes as vast and vital in the Church of England as in any other institution. Is it not unreasonable, therefore, to perpetuate a system of Canon Law which in the sixteenth century was formally declared by the Convocations, the Parliament, and the King, to be "much prejudicial to the King's prerogative royal, repugnant to the laws and statutes of the realm, and overmuch onerous to the King's Highness and his subjects."* Yet the Royal Commissioners in their Report (1883) did not so much as hint at the existence of an evil which successive Royal Commissions under three of our monarchs tried in vain to grapple with! If I mistake not, an attempt to enforce this Canon Law by means of Clerical Courts, duly graduated from "Sacred Synods" down to Archdeacons' "Visitations," is now being organised. The Evangelical Clergy will do well to open their eyes to the fact that their only hope of continued "liberty of prophesying" lies in a close alliance with the laity, from whom alone they can hope to obtain a fair hearing, and any real help in the day of battle. Students of the Epistles of Clement of Rome—the first Pope, they say, and therefore an infallible guide (?)—or that of Polycarp, or the newly published "Teaching of the Apostles" (Cap. xiv., xv.) will not fail to perceive, what Tertullian also witnesses, that Church discipline in primitive times was not regarded as "residing in the Bishop," but as residing in the Church.† For, as Hooker (Eccl. Pol. viii. vi. 3) reminds us, "Those persons excepted which Christ Himself did immediately bestow such power upon, *the rest succeeding have not received power as they did*, Christ bestowing it upon their persons; but the power which Christ did institute in the Church, they *from the Church* do receive."

The voice of the "Church" can never be heard while the laity are unheard. No mere Canons, though passed by both Convocations, can ever "bind" the laity *in foro conscientiæ*, because based on the fundamental falsehood that the clergy are the "Church," and that they alone have "the mind of the Spirit."

* 25 Henry VIII. c. 19, sec. 1. Cf. Report. Hist. App., pp. 71 and 92.

† The passages are given at length in "Liberalism in the Priests' Craft," by the writer of the paper. (Marlborough & Co., 51, Old Bailey. Price 3*d*.)

To be obtained at the Office of the Church Association, 14, Buckingham Street, Strand, W.C., at the price of 5*d* per dozen or 3*s* per 100.

6th Thousand.]

RESERVATION OF THE HOST.

AN EXAMINATION OF THE REPLY

OF THE

"CONFRATERNITY OF THE BLESSED SACRAMENT,"

TO THE

UNANIMOUS RESOLUTIONS

OF THE

UPPER HOUSES OF CONVOCATION,

AT

CANTERBURY AND YORK,

1885.

BY

J. T. TOMLINSON,

Author of "The Legal History of Canon Stubbs."

LONDON:

CHURCH ASSOCIATION, 14, BUCKINGHAM STREET, STRAND, W.C.
J. F. SHAW & CO., 48, PATERNOSTER ROW, E.C.
J. KENSIT, 18, PATERNOSTER ROW, E.C.

No. CXII.]

"Are we anxious to make an offering for *others besides ourselves?* No single Eucharist can be celebrated anywhere without affecting the well-being of the whole Church, since it is the offering of the merits of Him who died not for a favoured few but for all.

"Do we desire to make atonement for past sin? Here we may offer before the Father the blood of the Victim whose death has made a perfect expiation for the sins of the whole world.

"Are we troubled about those who in the shadow of death are awaiting the judgment? The blood of the Sacrifice reaches down to the prisoners of hope, and the dead as they are made to possess their old sins in the darkness of the grave, thank us as we offer *for them* the Sacrifice which *restores to light and immortality*."—"*The Priesthood of the Laity.*" *A paper read by the Hon. C. L. Wood* (*President of the English Church Union*), *at the* 18*th Anniversary of the C.B.S.*, 1880.

RESERVATION OF THE HOST.

IN 1885 the Bishops of both Convocations unanimously resolved that "no reservation of the Sacrament *for any purpose* is consistent with the rule of the Church of England."

After two years of preparation a reply was issued on the part of the C. B. S. by one of its members, the Rev. J. W. Kempe,[1] who explains that "some requests there are which have the imperative nature of commands;" and dedicates his book accordingly to Canon Carter, the Superior of the Confraternity, who has written a preface to the Manifesto. As Mr. Carter was made a Canon by his Bishop, and has been three times sheltered from prosecution by the episcopal veto, the Bench of Bishops ought assuredly to feel the responsibility laid upon them by this official pronouncement.

Mr. Kempe explains his standpoint as one of regret that "External intercommunion between ourselves and the rest of Catholic Christendom has been unhappily suspended," also that "men's minds should be biassed by *insular* considerations," so that "English Christianity has drifted into a form of religionism which is in marked contrast with that faith and worship . . . which in its leading characteristics has become traditional throughout the greater part of the Christian world" (p. 2). For, the Church of England is only "entitled to our allegiance in virtue of her *organic unity* with the Church of God throughout the world" (p. 183).

It is obvious therefore that unless the Church of England conforms herself to the rest of Western Christendom (*i.e.* to the Church of Rome), her 'insular' position releases Mr. Kempe's conscience from even the pretence of loyalty. He boasts that (in despite of the Anglican Bishops) "reservation is unobtrusively but widely practised" (p. 100). There is only one point on which he at all demurs to the practice of the Church of Rome, viz. the denial of the cup to the laity at *public* celebrations in church, and in those few cases in which he would still tolerate[2]

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[1] "Reservation of the Blessed Sacrament for the Sick and Dying, by the Rev. J. W. Kempe, M.A.: with Preface by the Rev. T. T. Carter, M.A." (G. J. Palmer.)

[2] So Mr. Blunt in his "Annotated Prayer Book," p. 290, teaches that "the celebration of the Holy Communion in a room used for ordinary living, and on a table used for meals, or other domestic purposes, is a practice which it is difficult to guard from irreverence and from dishonour towards so holy a sacrament." The "Carpenter's Son" is supposed to shrink from the "domestic" life of the poor as though it "defiled the man." Mr. Kempe (p. 15) further insists upon "vessels of precious metal, and *at least* a surplice and stole" as essential to a private celebration, though the First Prayer Book of Ed. VI. provided that "in all other places, every minister shall be at liberty to use any surplice, or no."

celebrations in private houses. But he is very careful to argue that reservation of the wafer alone, without any wine, is even now binding by law in every parish church (p. 184), "so that all graces necessary to salvation may be conveyed to all" by the wafer alone (p. 116). He thinks this half-communion is "primitive", and "really coeval with Christianity itself" (p. 118), insomuch that

"It was *only exceptionally* administered to the sick under the species of wine, viz. in cases where, by reason of infirmity, the sick were unable to swallow the consecrated bread. Thus, the Fourth Council of Carthage ordained that 'the Eucharist be *poured* into the mouth' of any who may be afflicted with frenzy" (p. 118).

He declares that this half-communion "continues to be authorised under the established order of this Church and Realm" (p. 126).

"And therefore that the canonical rule of reserving 'the Sacrament of the body and blood of our Lord Jesus Christ . . . in a decent Tabernacle, over against the High Altar,' as enjoined by Bp. Tunstall, in conformity with the Provincial Constitution (*sub panis latibulo*), under the species of bread, still holds good, as expressing the ecclesiastical law of England" (p. 185).

He repeats this, p. 129. The words "*sub panis latibulo*" (*i.e.* "under covert of the bread") are variously paraphrased by Mr. Kempe as "under the species" and "in His Sacrament;" as though even Mr. Kempe were ashamed of the naked indecency of speaking of "the King of Glory" as lurking in a processional wafer.

Nevertheless he quotes, as binding, a Constitution of the Minorite Friar Peccham (whom the Pope made Abp. of Canterbury), ordering a light and a bell to be borne before the stoled priest who carries the Host to the sick in order that the people may prostrate themselves "wherever the King of Glory happens to be carried about under his lurking place of the bread" (*ad prosternendum se ubicunque Regem Gloriæ sub panis latibulo evenerit deportari*)! And this precious Constitution, Mr. Kempe thinks, is binding now both in law and conscience upon every priest of the Church of England (pp. 23, 54, 94). Whereas the Royal Injunction of 1549 relating to the Prayer Book of that year ordered—"That going to the sick with the sacrament the Minister have not with him either light or bells."[3]

* * *

What concerns English Churchmen more than the Popish beliefs and practices of members of the C. B. S. is their habit of tampering with evidence, of misrepresenting 'authorities,' of garbling quotations, and of giving strained and non-natural interpretations to rubrics written "for the better direction of them that are to officiate in any part of Divine service." With examples of each of these literary offences Mr. Kempe's book

[3] Cardwell, Doc. Ann. i.-65.

swarms. To make this point clear, it will be convenient to classify some of Mr. Kempe's references.

I. THE FIRST PRAYER BOOK OF EDWARD VI., 1549.

Of this Mr. Kempe says—"the ancient order of the Sarum Mass was for the most part retained" (p. 27). That is not true. Not more than two out of the twenty-three closely-printed pages of Mr. Maskell's reprint are to be found in the Sarum Missal. "If we compare it with the Canon according to the use of Sarum, we find that by far the greater part of it is *new*," says Prebendary Sadler.[4] Canon Estcourt has printed the two side by side, showing that "the Canon is so mutilated that *only here and there* do the words in the two books agree."[5] Yet the 'Canon' is precisely that part of the Mass in which the invisible miracle and the supplementary 'sacrifice' were supposed to take place.

Ridley in his Visitation Articles, June, 1550, asked "Whether the minister or any other doth reserve the sacrament, and not immediately receive it?"[6]

But the C. B. S. have a further device for "depraving the Book of Common Prayer." Speaking (at p. 128) of the sanction supposed to be given by the First Prayer Book to Half-Communion (viz. in wafers only), Mr. Kempe says "it is clearly stated in this book, as we have before observed, that '*in each of them*' is received the whole body of our Saviour Jesus Christ." This is a double misrepresentation. The words "in each of them" do *not* relate, as Mr. Kempe pretends, to the bread and *wine*, but to the separate particles of the bread, which in 1548 was (for the first time) ordered to be 'broken' with a view to the distribution of its fragments to the people. And the words "the whole *body*" do not include the 'blood,' as Mr. Kempe's argument would necessarily imply.

Mr. Kempe further speaks (p. 166) of the words of distribution as a "time-honoured formula:" whereas they were taken from Abp. Herman's Consultation, a Lutheran production devised by Bucer. The words used by the minister to each communicant "which *was* given *for* thee" had no place in the "time-honoured formula" which Mr. Kempe quotes at p. 105. It was not the "body now given *to* thee," but the body once for all "given *for* thee" (1800 years ago), to which the new Protestant formula of the first Prayer Book (and of our own) was thus made to relate.

II. OUR PRESENT PRAYER BOOK

fares no better at Mr. Kempe's hands. He builds a vast edifice upon the rubric which directs that

[4] "Church and the Age," p. 305.

[5] "Anglican Ordinations," p. 321. It can be seen also in Tract CXIII., "The Sarum Mass and the First Prayer Book," price 2*d*.

[6] Ridley's Register, fol. 305.

"*When all have communicated, the Minister shall return to the Lord's table, and reverently place upon it what remaineth of the consecrated elements, covering the same with a fair linen cloth.*"

The object of thus covering the elements was to mark the close of the sacramental 'action,' and to withdraw the "fragments that remain", from the contemplation of the worshippers. In John Alasco's liturgy, the *un*consecrated "white bread usual to be eaten" was similarly ordered to be "covered with a fair linen cloth," *cibarius panis albus mundo linteo contegitur.* Before our present rubric was introduced, Mountagu, Bp. of Norwich, asked, in 1638—

"Have you . . a napkin of fine linen, to cover the bread consecrated which cannot all at once be contained in the patten, and to fold up what is *not* used at the communion?"[7]

And in the same year, the Archdeacon of Worcester asked, "Have you . . a plate for the bread, and a towell to lay over it?"[8] This was doubtless suggested by the Scotch rubric of the previous year, which directed that

"*When all have communicated, he that celebrates shall go to the Lord's table, and cover with a fair linen cloth, or corporall, that which remaineth of the consecrated elements.*"

But that this was not intended as an *order* for any wine or bread to be 'reserved' is shown by another rubric (then also added), that

"IF *any of the bread and wine remain, which is consecrated, it . . . shall not be carried out of the church. And to the end that there may be little left, he that officiates is required to consecrate with* THE LEAST, *and then* IF *there be want, the words of consecration may be repeated again, over more, either bread or wine,*" &c.

It is clear that the thing here guarded against was the Puritan practice of using unconsecrated elements; yet, at the same time, any possibility of 'reservation' was provided against with equal care.

The entire rubric as inserted in Laud's Scotch Liturgy of 1637 was:—

"*And if any of the Bread and Wine remain, which is consecrated, it shall be reverently eaten and drunk by such of the communicants only as the Presbyter which celebrates shall take unto him, but it shall not be carried out of the Church. And to the end there may be little left, he that officiates is required to consecrate with the least, and then, if there be want, the words of consecration may be repeated again, over more, either bread or wine: the Presbyter beginning at these words in the prayer of consecration* (our Saviour in the night that he was betrayed, took, &c.).

Bp. Cosin, in his "Notes on the Prayer Book," says, "If he be careful, *as he ought to be*, to consecrate *no more than will suffice* to be distributed to the communicants, *none will remain.*"[9] He urged, therefore, that

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[7] Rit. Rep. 580-10. [8] Rit. Rep. 586-23. [9] Works, v.-356.

"The priest may be enjoined to consider the number of them which are to receive the Sacrament, and to consecrate the bread and wine in such near proportion as shall be sufficient for them; *but* IF any of the consecrated elements be left, that he and some others with him shall decently eat and drink them in the church before all the people depart from it."[10]

It is clear that there was no intention to 'reserve' any particle of the consecrated elements, which, indeed, could only be left unconsumed by (an involuntary) miscalculation of the number of intending communicants. To guard against any notion of bread-worship, or of propitiatory oblation, our Reformers transposed the "Prayer of oblation," so that it might only be used in the post-communion, after the consecrated elements *had been consumed*. As a further precaution, an *alternative* prayer was provided, so that the "prayer of oblation" need never be read when any portion of bread or wine happens to be left. Yet upon these facts Mr. Kempe founds an amazing series of fanatical statements. He says—

"We learn from Pope Gelasius and others that the familiar custom of reserving the remaining part of the consecrated elements until the end of the Mass, *now enjoined* in our English rubric, was regarded as an ancient custom . . and consequently may be reckoned among those liturgical usages which are derived from the holy Apostles themselves." "The post-communion rubric distinctly *enjoins* the liturgical usage of reservation" (p. 35). "The solemn liturgical blessing is now given by the bishop, or in his absence by the priest, *in presence of the* Eucharist. . . The principle of reserving the Lord's body for Eucharistic intercession, worship, and benediction, in union with the oblation of the holy Sacrifice, is thereby intrinsically recognised" (p. 45). "These rubrics, when regarded in the light of Catholic antiquity, *direct* the priest, according to the present English rite, in the first place to reserve the Blessed Sacrament at every celebration" (p. 102). "The *immediate object* of this rubric was to provide for the reservation of the Eucharist until after the blessing, *in order that* the propitiatory sacrifice of Christ's death and passion might be pleaded, His Godhead worshipped, and His blessing bestowed, in union with the Oblation of His holy mysteries" (p. 144).

All this marvellously complete doctrine of the Mass is built by Mr. Kempe upon the two facts that some bread or wine might possibly be left, and that the clergyman *might* possibly use the "Prayer of Oblation" at that time. If that be not a "non-natural interpretation," it is not easy to understand what could possibly merit such an appellation.

III. THE ACT FOR THE "SUBMISSION OF THE CLERGY" (A.D. 1534) (25 H. 8, c. 19, sec. 7) is relied upon by Mr. Kempe as giving *statutory* force to the pre-Reformation Canon Law. That would be "strange, if true," since, as he himself observes (p. 54), "No edition of the Constitutions was issued from the time of Abp.

[10] Works, v.-519.

Warham until 1677:" and (as he fails to observe) the very next year—A.D. 1535—Henry VIII., by Royal decree, put an end for ever to the study of Canon Law in both Universities.[11] But Mr. Kempe further fails to observe that by the words of the Statute no *new* or additional force was given even to such canons as for the time were to continue. They were only to be "still used and executed as they were AFORE THE MAKING of this Act." That left to them merely their non-Parliamentary, 'spiritual' (*i.e.* clerical) authority. The Statute conferred no immediate authority, but merely exempted certain of them, provisionally, from virtual repeal by the earlier sections of the Act until they should obtain the "authority of Parliament" by being reissued "under the Great Seal" of England, as provided in section 2 of the Act; and this issue "under the Great Seal" has never yet taken place.

Mr. Kempe also urges their validity as Canon Law. But he forgets that forty years of disuse repeals the binding force of mere Canons: that reception by the Church (*i.e.* the laity) is needed to validate all acts of the clergy: that the English bishops have formally repudiated this particular Constitution of his; and, above all, that "as to these Constitutions . . . they must be taken, if of force at the time of the passing of *any* of the Acts of Uniformity, to have been repealed by those Acts."[12] If Mr. Kempe chooses to rely upon Statute Law, he must allow Her Majesty's judges to decide as to its meaning. And they have decided unmistakably against him.

IV. BP. OVERALL

is misrepresented by Mr. Kempe. At pp. 12, 31, and elsewhere, the "First Series of Notes" (wrongly) attributed to Bp. Cosin, are assigned by Mr. Kempe to Overall, though they speak of Overall in the third person as "my lord and master," whom the writer "had heard preach a hundred times." Bp. Overall's real teaching was that the Eucharistic presence of Christ is only "in the right *use* of the Sacrament, and to worthy recipients, not by transubstantiation nor by consubstantiation, but by the Holy Spirit working by faith—Spiritu Sancto *per* fidem operante." Now, working "through faith" is not a working in bread or in wine, as even Mr. Kempe must perceive.[13]

Mr. Kempe says "these Notes of 1619 are undoubtedly in the handwriting of Cosin." That is not so. Canon Meyrick has pointed out that the writing is very *unlike* Cosin's, and that no one till 1840 ever attributed it to Cosin. Mr. James Parker

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[11] See Dibdin's "Church Courts," p. 57. Strype, Eccl. Mem. I. i.-324, 382. Wilkins, iii.-812.

[12] Judgment of Her Majesty in Council, in *Martin* v. *Mackonochie*, p. 26.

[13] The passages are given in full in Dean Goode's "Nature of Christ's Presence," ii.-829, and the Report of Master Brooke's Committee, p. 104. See also Tract XCVIII., "The Misprinted Catechism," p. 9.

has shown that an obscure clergyman named Hayward was probably the author of them.[14]

V. BP. COSIN

is Mr. Kempe's next victim. At pp. 38 and 87, he attributes to Cosin the very same Notes he had just before fathered upon Overall, thus polling his witness twice over. At p. 80 he again attributes them to "this illustrious divine," but he is careful to suppress Cosin's retractation (on the very next page of the edition from which he is quoting), which the editor says was "added at a later time," and which showed that Cosin outlived the mistake made by the unknown author of these "Notes" which, by that time, had come into Cosin's possession.[15]

Mr. Kempe is further careful not to quote from the same volume and from Cosin's *genuine* 'Notes' such passages as the following—

"Yet if for lack of care they consecrate more than they distribute, why may not the Curates have it to their own use . . for though the bread and wine remain, yet the consecration, the sacrament of the body and blood of Christ, do not remain longer than the holy action itself remains for which the bread and wine were hallowed; and which being ended, return to their former use again?"[16]

A similar passage (of course *not* quoted by Mr. Kempe) occurs at page 481. And (what is of far more value than any of these unpublished private 'Notes') Cosin says, in his *published* "History of Transubstantiation"—"We also deny that the elements still retain the nature of sacraments when not used according to Divine institution, that is, given by Christ's ministers, and received by His people; so that Christ in the consecrated bread ought not, *cannot* be kept and preserved to be carried about, because He is present only to the Communicants."[17]

It is doing a gross wrong to 'Bishop' Cosin to cite him as one who shared Mr. Kempe's notions.

VI. BP. SPARROW

is said by Mr. Kempe to 'advocate' (p. 106) and to 'direct' (p. 160) that "the priest SHALL RESERVE [*sic*]—at the open Communion—so much of the sacrament of the body and blood as shall serve the sick person."

The only foundation for this scandalous misrepresentation is

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[14] Hist. Revis. p. 325. [15] Cosin's Works, v.-43. [16] Works, v.-356.

[17] Brewer's edit., p. 61, cf. pp. 12, 29, 57. In contrast with this teaching of Bp. Cosin's, the *Church Review* of April, 1887, may be quoted as to the impiety of "washing the cup and platter," and drinking the rinsings, "after the Communion instead of after the blessing. Considering *how short a time we have our Lord's sacramental presence with us*, we are loth to curtail the time by a single moment. As it now stands, the *Gloria in excelsis* is a grand hymn of adoration to our Saviour *there* and then present *on* the Altar; the Prayer of Oblation is rendered all the more vivid by the priest being able, as it were, to point to the Sacrifice when he mentions it in that prayer."

that, in his 'Rationale,' Bp. Sparrow noted that the Jacobean Prayer Book then in use failed to specify clearly "how much of the Communion Service shall be used" in Visitations of the Sick.[18] To clear up that point he referred to the service as prescribed in the older Liturgy of 1549. "Now the direction formerly,' he says, 'was this." He then quotes *verbatim* the Rubric from the first Prayer Book of Edward, but interpolates into it the following important words (which Mr. Kempe *carefully omits* from his economical half-citation on page 154), viz. "And so proceeding in the Communion Service *to the end of the consecration* and distribution."

These words were inserted by Sparrow into the Rubric of 1549 in order to make that precedent applicable to the altered use of his own day. Had Mr. Kempe honestly quoted Bp. Sparrow's addition he would have proved that so far from 'directing' or 'advocating' reservation, the Bp. directed that 'consecration' be used afresh at *every* Communion of the Sick in private houses.

VII. THE UNAUTHORISED LATIN PRAYER BOOK OF 1560

is similarly misrepresented. Mr. Kempe pretends to think that it was of statutory authority 'co-ordinate' with the Prayer Book itself because, nine months *after* its issue, the Queen directed her Ecclesiastical Commissioners to take order lest the laity should be present at this Latin form of hers, which she intended only for scholars at Oxford, Cambridge, and the Colleges of Eton and Winchester, and for the *private* use of individual clergymen. Her Letters Patent of April 2, 1560, had directed that English service should be used 'Anglice' wherever uneducated laymen were likely to attend.

Strype says[19] that order was taken accordingly by the commissioners: but the Order itself (if it ever existed) is lost. And it is clear that such an order as Mr. Kempe dreams of could not be authorised by the Act of Uniformity. And this is expressly stated by Mr. Kempe's two chosen authorities, Bp. Gibson and Bp. Sparrow. Gibson says,[20] "No provision was made for this liberty in the foregoing Act, Eliz. 1, c. 2," and Sparrow, in 1661, says of this Latin service, "It is a translation of some private pen not licensed by authority as I guess."[21]

Heylin, who was no fanatical Puritan, points out that these fancy additions by Elizabeth "not being warranted by the statute of the year preceding, were therefore authorised with a

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[18] The obscurity was cleared up in 1662, by the addition of a new rubric, "*the Priest shall proceed according to the form before prescribed for the holy Communion, beginning at these words* [Ye that do truly, &c.]."

[19] In his Annals (I.-338), and Life of Parker, I.-165.

[20] Codex, i.-279 n.

[21] Rationale, p. 340 of Newman's Edition.

non obstante."[22] It suits Mr. Kempe's polemical convenience to ignore the fact that Elizabeth issued this version (and its supplemental offices) purely by her own royal authority (*nostrâ autoritate et privilegio regali*), her Letters Patent saying expressly the Act of Uniformity "*in contrarium* non obstante."[23] Thus Mr. Kempe represents an "Act to the contrary notwithstanding" as equivalent to statutory authorisation by that very Act!

It is true that the new English Kalendar (which did come under the Act of Uniformity) was issued "by virtue of" Elizabeth's letter to her Ecclesiastical Commissioners, dated Jan. 22, 1561. But then, Abp. Parker and his fellow-commissioners were too wary to be misled into a breach of the Act of Uniformity. Their 'Order' of Oct. 10, 1561, which authorised the new Kalendar, *ignored altogether* the apocryphal Latin service. The 'Order' is printed in full in Miller's "Guide to Ecclesiastical Law," p. 35.

Mr. Kempe further states that "Art. 28 was revised by the very men who replaced the Rubric directing reservation in the Latin Prayer Book of 1560" (p. 19). That is utterly untrue. Elizabeth's Latin Prayer Book was a mere edition by Haddon of Aless' notoriously inaccurate version; and Haddon (a lawyer) was not a member of the Convocation which drafted the Thirty-nine Articles of 1562. The *Reformatio Legum*, published by Abp. Parker in 1571, stated, "Therefore we neither suffer this Sacrament to be lifted up, nor carried about through the country, nor to be *reserved for the morrow*, nor worshipped."[24]

Again, Mr. Kempe says this Latin book was accepted "by the clergy." So far from being 'accepted,' the book dropped from the press stillborn. Strype says most of the colleges in Cambridge would not tolerate it as being "the Pope's dregges."[25]

No second edition appeared,[26] but it was superseded by a different version more agreeable to the Book of Common Prayer. Hence, when Convocation in 1640 asked "ut liber publicarum precum, in latinum versus, reimprimatur," they had in their minds doubtless the Christ Church edition of 1615, from which Elizabeth's unauthorised fancy services had been excluded. For it is important to remember that these additional services, upon which Mr. Kempe builds, had a separate title-page, and formed no part even of Haddon's Prayer Book of 1560, which ended with "Finis libri publicarum precum" after the Commination.

In Mr. Kempe's bulky and elaborate pamphlet he is only able to adduce three authorities which are really in his favour.

The first is Peccham, the Minorite friar whom the Pope thrust into the See of Canterbury in despite of the unanimous election of

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[22] Hist. Ref. ii.-332.
[23] Clay's Eliz. Lit., Parker Soc., p. 301.
[24] *Nec conservari in crastinum* Hardwick's Thirty-nine Articles, p. 380.
[25] Life of Parker, p. 269.
[26] See Clay's preface to Elizabethan Liturgies, Parker Soc., p. xxxi.

another person by the Dean and Chapter of Canterbury. Of him Dean Hook wrote, "The worst heresies of Mediævalism were now prevalent, and Friar Peckham came to England destined to carry to the extreme the superstitions in fashion at Rome."[27] Collier[28] gives but a softened outline of Peccham's 'Constitutions.' Yet Mr. Kempe has the effrontery to say that they date "from a time anterior to the decay of religion" (p. 54). Bp. Gibson in his Codex[29] gives Peccham's Constitutions as "according to the Papists" in *contrast* with the Anglican rubrics, &c., "according to the Protestants."

Mr. Kempe's next authority is the Marian Convocation of 1559, who in their petition, presented by Bp. Bonner, affirmed the Pope's supremacy and that the 'natural' body and blood of Christ were "under the kinds of bread and wine." Mr. Kempe selects for special approbation that very article which even then was rejected by the two Universities.[30] Lastly, he cites as authoritative Tonstal's direction in Queen Mary's time, issued in obedience to the Legatine decree of Cardinal Pole the year before,[31] that the host should be reserved in a tabernacle! Yet Pole himself is witness to the utter irregularity of his own acts, for he explained to Philip of Spain that the Abp. of Canterbury was then in prison, and that the Dean and Chapter of Canterbury could not act, since the Primate was "*neither condemned, nor deposed, nor was the See vacant.*"[32]

Such are the vouchers by which Mr. Kempe seeks to make it

"Evident that this Catholic and primitive (*sic*) usage will in God's good time be restored among us, just as the ecclesiastical spirit among our clergy, and the discipline of spiritual life among our people, and the august solemnities of Divine worship have been, and are now being continually and with ever increasing perfection and beauty, restored to our communion."

[27] Eccl. Biog. viii.-28. [28] Hist. ii.-579. [29] I.-355-386.
[30] Card. Conf., p. 23.
[31] Card. Doc. Ann. i.-146. Tonstal wrote "contra communicationem utriusque speciei." *Parker*, Corr., p. 106.
[32] Venetian State Papers, vol. vi., A.D. 1555.

To be obtained at the Office of the CHURCH ASSOCIATION, 14, Buckingham Street, Strand, London, W.C., at the price of 8*d* per dozen or 4*s* 6*d* per 100.
61 Thousand.]

THE SARUM MASS

COMPARED

WITH THE

COMMUNION OFFICE

OF

THE FIRST PRAYER BOOK OF EDWARD VI

BY

J. T. TOMLINSON.

LONDON:
CHURCH ASSOCIATION, 14, Buckingham Street, Strand.
J. F. SHAW & Co., 48, Paternoster Row.
J. KENSIT, 18, Paternoster Row.

No. CXIII.]

THE SARUM MASS

VERSUS

EDWARD VITH'S "FIRST" PRAYER BOOK.

SIR ROBERT PHILLIMORE, when Dean of the Arches, said,* "The whole Prayer Book in fact, with very *inconsiderable* exceptions, consists of a translation of the Ancient Liturgies, and especially of that liturgy used by the Western Church." Hallam said,† "The liturgy was essentially the same with the Mass book." The editor employed by Messrs. Griffith and Farran to write a preface to their cheap edition of the Second Prayer Book of Edward VI, says, "The first liturgy of King Edward followed closely the ancient Canon, only it was in English."

On the other hand Prebendary Sadler tells us, "The Eucharistic service of the Church of England is substantially a *new* service. If we take even the Communion Office of 1549 and compare it with the Canon according to the Use of Sarum, we find that by far the greater part of it is new." "The office of 1549 occupies twenty-three closely-printed pages at the end of Mr. Maskell's 'Ancient Liturgies of the Church of England,' and of these not above two pages are to be found in the Sarum Missal." (*The Church and the Age*, p. 305.)

Canon Estcourt has placed this beyond controversy by printing side by side in parallel columns the Liturgy of 1549 and the Canon of Sarum, with the result of showing that "every expression which implied a real and proper sacrifice had been weeded out. The canon is so mutilated that only here and there do the words in the two books agree." (*Dogmatic Teaching of the Book of Common Prayer on the Eucharist*, pp. 16, 40.)

Such variations are of comparatively small importance in the Ante-Communion, though the Confession to "the Blessed Mary, all Saints, and you;" and the "praying holy Mary, all the Saints of God, and you" of Sarum (like the "Holy Mary, Mother of God, intercede for us" of the Hereford Missal) were struck out of this part of the Reformed Anglican rite. It is interesting to note that the absolution given *to* the Priest by the choir was, in 1549, put into the mouth of the Protestant Minister, while the distinctively sacerdotal absolution of the Sarum Use was omitted altogether.

* *Martin v. Mackonochie*, p. 53. † Const. Hist. I. 68.

Minute ritual directions about censing, kissing, crossing, and hand-washing, and an endless variety of rules about clothes-wearing, with processions of candle-bearers, &c., were all got rid of. The Priest used to begin Mass at the SOUTH* corner. But this was discontinued in 1549: and as if to destroy all "historic continuity" with the Ritual of the Mass, the Reformers in 1552 adopted the "NORTH" side for the corresponding portion of our own office. The number seven had been fixed by the Sarum rubrics as a limit in the matter of Collects of which Canon Estcourt gives a couple of samples for the sake of comparison.

Second Collect of the Blessed Virgin Mary.

Grant to us thy servants, we beseech thee, O Lord God, to enjoy perpetual health of mind and body, and by the glorious intercession of Blessed Mary ever Virgin, to be delivered from present sorrow, and to enjoy eternal gladness.

Third Collect of All Saints.

Grant we beseech thee, Almighty God, that by the intercession of holy Mary, Mother of God, and of all the holy Powers of heaven, and the blessed Patriarchs, Prophets, Apostles, Evangelists, Martyrs, Confessors, and Virgins, and all thine elect, we may everywhere have cause to rejoice; and while recalling their merits, may be sensible of their protection.

All such prayers disappeared, of course, in the Edwardian Prayer Book. In fact, beyond the Epistle, Gospel, Nicene Creed, Gloria, Kyrie, and the Psalm used as an 'introit,' the two offices have in this part hardly any feature in common. The sermon, homily, and 'Exhortation' (being addressed to the understanding) found, of course, no place in a service which was merely in Latin.

But from the Offertory onwards the doctrinal erasures become so numerous and so important that if the Sarum rite were free from error, they amount to an apostasy.

To facilitate comparison, Canon Estcourt's tabular arrangement is adopted, which will enable the omissions to be seen at a glance.

The Sarum Missal.	The Book of Common Prayer, 1549.
After the Offertory let the Deacon present the chalice with the paten and host (sacrificium) to the Priest: and kiss his hand each time. He receiving from him the chalice, places it carefully in its own due place on the midst of the altar: and with head bent for the moment, let him elevate the	*Then shall the Minister take so much bread and wine as shall suffice for the persons appointed to* receive *the Holy Communion.*

* See "The Lay Folk's Mass Book" (Knott, 26, Brooke Street, Holborn), pp. 7, 9, 20.

The Sarum Missal.	The Book of Common Prayer, 1549.
chalice with both hands, offering the sacrifice to the Lord, and saying this prayer:	
Receive, O Holy Trinity, this oblation, which I, unworthy sinner, offer in honour of thee and of blessed Mary and all thy Saints, for my sins and offences, and for the salvation of the living, and rest of all the faithful departed. In the name of the Father, and of the Son, and of the Holy Ghost be this new sacrifice accepted of Almighty God.*	
This prayer having been said, let him replace the chalice, and cover it with the corporals, and place the bread decently upon the corporals, in front of the chalice containing wine and water, and kiss the paten, and let him replace it on the altar on his right, under the corporals, partly covering it.	*Laying the bread upon the corporas, or else in the paten, or in some other comely thing prepared for that purpose; and putting the wine into the chalice, or else in some fair or convenient cup prepared for that use (if the chalice will† not serve), putting thereto a little pure and clean water; and setting both the bread and wine upon the altar.*
[*After various censings and crossings (omitted for the sake of brevity)*]	
Then the Priest goes to the right-hand corner of the altar, and washes his hands, saying:	
Cleanse me, O Lord, from all defilement of mind and body, that being cleansed I may be able to fulfil the holy work of the Lord.	
Then turning him about, and standing before the altar, with head and body inclined and	

* The words 'acceptum sit omnipotenti Deo hoc sacrificium novum' are not in Maskell; but they are found in both the editions of 1515 and 1516, and in the Sarum Mass in Martene. (*Estcourt.*)

† Pre-Reformation chalices, being intended only for the Communion of the Priest, were too tiny to serve for the Communion of the Laity.

The Sarum Missal.

hands joined, let him say the prayer:

In the spirit of humility and in a contrite heart, may we be accepted of thee, O Lord, and may our sacrifice be so done in thy sight, that it may be accepted of thee to-day, and please thee, O Lord God.

Then standing erect let him kiss the altar on the right-hand side of the host, [sacrificium,] and bless first the host and then himself with the sign of the cross, saying:

In the name of the Father. and of the Son, and of the Holy Ghost. Amen.

Then let the Priest turn himself to the people, and say with a low (tacitâ) voice:

Pray for me, brethren and sisters, that the sacrifice which is equally yours and mine may be accepted of the Lord our God.

Answer of the Clerks privately:

May the grace of the Holy Ghost illuminate thy heart and thy lips, and may the Lord deign to accept this sacrifice of praise at thy hands, for our sins and offences.

And turning again to the altar, let the Priest say the secret prayers, which are to be the same in number and order as [the Collects] before the Epistle.

Let us pray.*

O God, who by the perfection of one sacrifice hast fulfilled the variety of sacrifices of the law: accept the sacrifice offered to thee by thy devoted servants, and

The Book of Common Prayer, 1549.

* The collects for the Eighth Sunday after Trinity are here given from Estcourt by way of samples.

The Sarum Missal.

sanctify it with thy benediction like the offerings of just Abel; that what they *severally* have offered in honour of thy Majesty, may profit them all together to salvation. Through our Lord, &c.

By thy propitiation, O Lord, and the intercession of Blessed Mary ever Virgin, may this oblation profit us to our perpetual and present prosperity and peace.

Be graciously pleased, O Lord, with the gifts offered unto thee; the blessed and glorious Mary, ever Virgin and Mother of God, interceding, with all thy Saints.

Protect us, O Lord, we beseech thee, in the service of thy mysteries; that by cleaving to divine things we may serve thee in body and soul.

O God, who wilt permit no terrors to overwhelm the people that believe in thee, vouchsafe to accept the prayers and sacrifices of the people dedicated unto thee, that in the peace which in thy pity thou dost grant, Christian lands may be made secure from all enemies. Through our Lord, &c.

[*A complex rubric here omitted for brevity's sake.* Pater noster.]

Which ended let the **Priest** *say aloud:*

For ever and ever.
Ans. Amen.
The Lord be with you.
Ans. And with thy spirit.

Here let the Priest raise his hands, saying

Lift up your hearts.
Ans. We have them to the Lord.
Let us give thanks to the Lord our God.
Ans. It is meet and just.

Preface. It is truly meet and just, right and salutary, that we

The Book of Common Prayer, 1549.

Then the Priest shall say:

The Lord be with you.
Ans. And with thy spirit.

Priest. Lift up your hearts.
Ans. We lift them up unto the Lord.
Priest. Let us give thanks to our Lord God.
Ans. It is meet and right so to do.
Priest. It is very meet, right, and our bounden duty, that we

The Sarum Missal.	The Book of Common Prayer 1549.
at all times, and in all places, give thanks to thee, O holy Lord, Father Almighty, Eternal God: through Christ our Lord. Through whom the Angels praise thy Majesty, the Dominations adore, the Powers tremble. The heavens and the heavenly Virtues, and the blessed Seraphim join with exultation to celebrate together. With whom we pray thee to grant admittance to our voices, in suppliant confession, saying,—	should at all times, and in all places, give thanks to thee, O Lord, Holy Father, Almighty, Everlasting God.
The Sanctus follows. While the priest is saying Holy, Holy, *let him lift his arms for the moment and join his hands till the words,* In the name of the Lord: *then let him always sign himself on the face.*	
[And* therefore with Angels and Archangels, with Thrones and Dominations, and with all the array of the heavenly host, we sing a hymn to thy glory, repeating without end:] Holy, holy, holy, Lord God of Hosts. The heavens and the earth are full of thy glory. Hosanna in the highest. Blessed is he that cometh in the name of the Lord. Hosanna in the highest.	Therefore with Angels and Archangels, and with all the holy company of heaven, we laud and magnify thy glorious name; evermore praising thee, and saying: ¶ Holy, holy, holy, Lord God of Hosts; heaven and earth are full of thy glory: Osannah in the highest. Blessed is he that cometh in the name of the Lord. Glory to thee, O Lord, in the highest.
[*The* Sanctus *was also sung by the Choir.*]	*This the Clerks shall also sing.* ¶ *When the Clerks have done singing, then shall the Priest, or Deacon turn him to the people, and say:* Let us pray for the whole state of Christ's Church.
Then at once with hands joined, and eyes raised, and his body inclined until the words 'and beseech' *the Priest is to begin the Canon.*	*Then the Priest, turning him to the altar, shall say or sing, plainly and distinctly, this prayer following:* Almighty and ever-living God,

* This conclusion is not used in the common Preface, either in the Sarum or Roman Missals, but only in some of the proper Prefaces. *(Estcourt.)*

The Sarum Missal.	The Book of Common Prayer, 1549.
	which by thy holy Apostle hast taught us to make prayers and supplications, and to give thanks for all men:
The Canon.	
Therefore, we humbly beg and beseech thee, O most merciful Father, through Jesus Christ thy Son our Lord [*here rising let him kiss the altar to the right of the sacrifice, saying*] to accept and bless these gifts, these presents, these holy undefiled sacrifices, [*after making little signs upon the chalice let him raise his hands while saying,*] which we offer to thee especially for thy holy Catholic Church which vouchsafe to keep in peace, to guard, unite, and govern throughout the world,	We humbly beseech thee most mercifully to receive these our prayers, which we offer unto thy divine Majesty, beseeching thee to inspire continually the universal Church with the spirit of truth, unity, and concord. And grant that all they that do confess thy holy name may agree in the truth of thy holy word and live in unity and godly love.
together with thy servant our Pope N., and our Bishop N., and our King N.	[All Bishops, Pastors, and Curates.]* Specially we beseech thee to save and defend thy servant Edward our King, that under him we may be godly and quietly governed. And grant unto his whole council, and to all that be put in authority under him, that they may truly and indifferently minister justice, to the punishment of wickedness and vice, and to the maintenance of God's true religion and virtue. Give grace, O heavenly Father, to all Bishops, Pastors, and Curates, that they may both by their life and doctrine set forth thy true and lively word, and rightly and duly administer thy holy Sacraments;
and all orthodox professing the Catholic and Apostolic faith.	and to all thy people give thy heavenly grace, that with meek

* All passages in this column which have been transposed to facilitate comparison are enclosed in square brackets.

The Sarum Missal.	The Book of Common Prayer, 1549.
	heart and due reverence they may hear and receive thy holy word, truly serving thee in holiness and righteousness all the days of their life.
Here let him pray for the living.	
Remember, O Lord, thy servants men and women, N. and N.	And we most humbly beseech thee of thy goodness, O Lord, to comfort and succour all them, which in this transitory life be in trouble, sorrow, need, sickness, or any other adversity.
And all those standing around, whose faith and devotion are known to thee, for whom we offer to thee, or who offer unto thee this sacrifice of praise, for themselves, and all that belong to them, for the redemption of their souls, for the hope of their salvation and safety: and who render their vows to thee, the everlasting, living, and true God.	And especially we commend unto thy merciful goodness this congregation which is here assembled in thy name, to celebrate the commemoration of the most glorious death of thy Son.
Communicating with, and venerating the memory	And here we do give unto thee most high praise, and hearty thanks, for the wonderful grace and virtue, declared in all thy Saints, from the beginning of the world:
in the first place of the glorious ever Virgin Mary, *Mother of our God* and Lord Jesus Christ:	and chiefly in the glorious and most blessed Virgin Mary, Mother of thy Son Jesu Christ our Lord and God, and in the holy Patriarchs, Prophets,
as also of thy blessed Apostles and Martyrs Peter and Paul, Andrew, &c. &c., and all thy Saints; by whose merits and prayers mayest thou grant, that in all things we may be defended by the help of thy protection. Through the same Christ our Lord. Amen.	Apostles and Martyrs,
	whose examples, O Lord, and steadfastness in thy faith, and keeping thy holy commandments, grant us to follow.
	[*The commemoration of the dead**

* The revisers of our Liturgy transposed this prayer, placing it *before* the oblation, perhaps for fear that it should give any countenance to the Romish error, 'that Christ was offered for the quick and dead.' (*Tracts for the Times*, No. 81, p. 11.) So Wilberforce, Doc. Euch., p. 380.

The Sarum Missal.	The Book of Common Prayer, 1549.
	follows here, but for the sake of brevity is transferred to the place corresponding with the Canon of the Mass.]
Here let the Priest regard the Host with great veneration, saying:	O God, heavenly Father, which of thy tender mercy didst give thine only Son Jesus Christ to suffer death upon the cross for our redemption, who made there (by his one oblation, once offered) a full, perfect, and sufficient sacrifice, oblation, and satisfaction for the sins of the whole world; and did institute, and in his holy Gospel command us to celebrate, a perpetual memory of that his precious death until his coming again:
This oblation therefore of our service, as also of thy whole family, we beseech thee, O Lord, favourably [placatus] to accept, and to dispose our days in thy peace, that we may be snatched from eternal damnation, and be numbered in the flock of thine elect. Through Christ, our Lord. Amen. [*Here again let him look at the Host, saying:*] Which oblation do thou, Almighty God, we beseech thee, in all things vouchsafe to make bles + sed, adm + itted, rati + fied, reasonable, and acceptable,	Hear us, O merciful Father, we beseech thee, and with thy Holy Spirit and word vouchsafe to bl + ess
	and sanc + tify these thy gifts and creatures of bread and wine
that it may be made	that they may be*
to us the Bo + dy and Blo + od of thy most beloved Son, our Lord Jesus Christ, [*here let the Priest raise himself and join his hands: and after cleanse his fingers and elevate the host, saying:*] who the day before he suffered, took bread into his holy and venerable hands, and with eyes lifted up to heaven [*here let him raise his own eyes*], to thee, O God, his Father Almighty, [*here let him incline himself and afterward raise a little, saying:*] giving	unto us the body and blood of thy most dearly-beloved Son Jesus Christ, who, in the same night that he was betrayed, took bread [*here the Priest must take the bread into his hands*], and when he had blessed, and

* These words being "mis-taken" by Gardiner, who argued from them that Christ's body was "in that order exhibited and made present unto us, by conversion of the substance of bread into His precious body," Cranmer replied, "In the book of the holy Communion we do not pray absolutely that the bread may be MADE the body and blood of Christ, but that *unto us* in that holy mystery they may be so" ("On the Lord's Supper," p. 79); hence the change of language in the Consecration Prayer of 1552, which is that of our present prayer book, and suggests no such ambiguity.

The Sarum Missal.	The Book of Common Prayer, 1549.
thanks to thee, he ble+ssed, brake [*here let him touch the host*], and gave to his disciples, saying, Take, and eat all of you of this [*These are the words of Consecration*].	given thanks, he brake it, and gave it to his disciples, saying, Take, eat,
For this is my Body.	this is my Body, which is given for you: do this in remembrance of me.
And these words ought to be brought out with one breath and at one utterance, no pause being introduced. After these words let the priest [*bow to the host and*] *elevate it above his forehead that it may be seen by the people: and reverently replace it in front of the chalice, making with it the sign of the cross. And then let him uncover the chalice and hold it between his hands not disjoining his thumb from his forefinger, save when he is giving the blessings, saying thus:*	
In like manner after supper, taking also this excellent chalice	Likewise after supper, he took the cup [*here the Priest shall take the cup into his hands*],
into his holy and venerable hands [*here he bows, saying:*], also giving thanks to thee, he blessed it, and gave it to his disciples, saying, Take, and	and when he had given thanks, he gave it to them, saying,
drink of it, all of you; [*here let the Priest elevate the chalice for a moment, saying thus*] for this is the Chalice of My Blood of the New and eternal Testament, the Mystery of Faith; which for you, and for many, shall be shed for remission of sins.	Drink ye all of this; for this is My Blood of the New Testament, which is shed for you, and for many, for remission of sins:
[*Here let him elevate the chalice, saying:*] As often as you shall do these things, you shall do them in remembrance of me.	Do this, as oft as you shall drink it, in remembrance of me.
Here let him replace the chalice	*The words before rehearsed are*

The Sarum Missal.	The Book of Common Prayer, 1549.
and raise his arms in the fashion of a cross, his fingers being joined, until the words Of thy gifts, *saying on this wise :*	*to be said, turning still to the altar, without any elevation, or shewing the Sacrament to the people.*
Wherefore, O Lord,	Wherefore, O Lord and heavenly Father, according to the Institution of thy dearly-beloved Son, our Saviour Jesu Christ, we thy humble servants,
we thy servants and likewise thy holy people, do offer to thy excellent Majesty of thy gifts and bounties, a pure + victim, a holy + victim, an immaculate + victim, the holy + bread of eternal life, and the chalice + of everlasting salvation;	do celebrate and make here before thy divine Majesty, with these thy holy gifts, the memorial which thy Son hath willed us to make:
having in remembrance as well the blessed passion of the same Christ thy Son our Lord God, as also his resurrection from the dead, and likewise his glorious ascension into heaven.	having in remembrance his blessed passion, mighty resurrection, and glorious ascension,
Upon which *things* (*quæ*) vouchsafe to look with a propitious and serene countenance;	rendering unto thee most hearty thanks, for the innumerable benefits procured unto us by the same, entirely desiring thy fatherly goodness, mercifully to accept this
and accept them as thou didst vouchsafe to accept the offerings of thy just servant Abel, and the sacrifice of our patriarch Abraham, and that which thy high priest Melchisedec offered to thee, a holy sacrifice, an immaculate victim (*hostiam*).	our sacrifice of prayer and thanksgiving: most humbly beseeching thee to grant, that by the merits and death of thy Son Jesus Christ, and through faith in his blood, we and all thy whole Church may obtain remission of our sins, and all other benefits of his passion. And here we offer and present* unto

* "Thus adding to the condemned doctrine of the Mass being only a sacrifice of praise and thanksgiving, the other idea of the Christian sacrifice

The Sarum Missal.	The Book of Common Prayer, 1549.
	thee, O Lord, ourself, our souls and bodies, to be a reasonable, holy, and lively sacrifice unto thee:
Then let the Priest with body bowed and hands crossed (cancellatis) say:	
We humbly beseech thee, O Almighty God, command these *things* (*hæc*) to be carried by the hands of thy holy Angel to thine altar on high in sight of thy Divine Majesty,	Humbly beseeching thee, [command these our prayers and supplications, by the ministry of thy holy Angels, to be brought up into thy holy Tabernacle before the sight of thy Divine Majesty];
that as many of us as shall [*here raising himself let him kiss the altar on the right of the sacrifice*] by this participation of the altar,	that whosoever shall be partakers of this holy Communion, may worthily
receive the most holy Bo+dy and Blo+od	receive the most precious body and blood
of thy Son, may be fulfilled with [*here let him sign himself on the face*] all heavenly benediction and grace, through the same Christ our Lord. Amen.	of thy Son Jesus Christ, and be fulfilled with thy grace and heavenly benediction,
	and made one body with thy Son Jesus Christ, that he may dwell in them, and they in him.
Here let him pray for the dead.	
Remember also, O Lord, the souls of thy servants, men and women, N. and N., who have gone before us, with the sign of faith, and rest in the sleep of peace:	[We commend unto thy mercy, O Lord, all other thy servants which are departed hence from us, with the sign of faith, and now do rest in the sleep of peace;
We beseech thee to grant unto them, O Lord, and to all who rest in Christ, a place of refreshment, light, and	Grant unto them, we beseech thee,
peace. Through the same Christ our Lord. Amen.	thy mercy and everlasting peace,

consisting in the offering of ourselves as a reasonable service. Now these ideas, be it observed, were advocated by Luther, for the very purpose of denying that there is any priesthood under the Gospel besides that common to all Christians."—*Estcourt.*

The Sarum Missal.	The Book of Common Prayer, 1549.
	and that, at the day of the general resurrection, we and all they which be of the mystical body of thy Son, may altogether be set on his right hand, and hear that his most joyful voice: Come unto me, O ye that be blessed of my Father, and possess the kingdom, which is prepared for you from the beginning of the world; grant this, O Father, for Jesus Christ's sake, our only Mediator and Advocate.]*
Here let him strike his own breast once, saying:	
To us sinners also thy servants, hoping in the multitude of thy mercies, vouchsafe to grant some part and fellowship with thy holy Apostles and Martyrs: with John, Stephen, &c., with all thy Saints, into whose company do thou, we beseech thee, admit us,	And although we be unworthy through our manifold sins
	to offer unto thee any Sacrifice; yet we beseech thee to accept this our bounden duty and service, and command these our prayers and supplications, by the ministry of thy holy Angels, to be brought up into thy holy Tabernacle before the sight of thy divine Majesty;
not as a weigher of merit, but as a bestower of pardon, through Christ our Lord. Through whom, O Lord, thou art ever creating good things, [*here the Priest shall sign the cup thrice, saying:*] sanctify, give life to, bless, and bestow them on us.	not weighing our merits, but pardoning our offences, through Christ our Lord:
[*Here let the Priest uncover the chalice and make a little cross with the host, five times: first, over the chalice on either side; second, level with the chalice; third, at its foot; the fourth being like the first one; the fifth, in front of it.*]	
By + him, and with + him, and in + him, in the unity of the	by whom, and with whom, in the unity of the Holy Ghost,

* Transposed from the place previously noted in p. 10, the words being used *prior to* the consecration.

The Sarum Missal.

Holy Ghost, all honour and glory is unto thee, O God the Father Almighty [*here let the Priest cover the chalice, and hold his hands on the altar until* Pater noster *is said, saying:*] world without end. Amen.

Admonished by salutary precepts, and formed by divine instruction, we are bold to say, [*here let the deacon receive the paten and hold it high on the right of the priest, with outstretched arm, until* 'bestow peace.' *Here let the Priest raise his hands, saying:*]

Our Father, &c.

Choir. But deliver us from evil.

The Priest, privately, Amen. Deliver us, we beseech thee, O Lord, from all evils, past, present, and to come; and the blessed and glorious Mary, ever Virgin and Mother of God, and the blessed Apostles Peter and Paul, and Andrew and all the Saints, interceeding; [*here let the deacon give the paten to the Priest, kissing his hand: and the Priest shall kiss the paten: afterwards put it to his left eye, and then to his right: afterwards making a cross with the paten above his head, and then replace it in its own place, saying:*] graciously bestow peace in our days; that, assisted by the help of thy mercy, we may be both ever free from sin, and secure from all perturbation. [*Here let him uncover the chalice and, bowing, take the Body, transferring it into the hollow of the chalice and retaining it there between his thumbs and forefingers, let him break it into three parts, while he says:*] Through the same our Lord, Jesus Christ, thy Son. [*At the second breaking*] Who with thee liveth and reigneth in the unity of the Spirit, God.

[*Here let him hold two of the broken pieces in his left hand: and the third in his right*

The Book of Common Prayer, 1549.

all honour and glory be unto thee, O Father Almighty, world without end. Amen.

Let us pray. As our Saviour Christ hath commanded and taught us, we are bold to say,

Our Father, &c.

The Answer. But deliver us from evil. Amen.

The Sarum Missal.

hand at the top of the chalice, saying with a loud voice :]

World without end. Amen.

End of Canon.

The Priest. The peace of + the Lord be + always with + you.

Choir answers. And with thy spirit.

[*At the singing of the Agnus let the deacon and sub-deacon both approach the right hand of the priest: the deacon nearer, and the sub-deacon further off, and say privately :*]

Lamb of God, that takest away the sins of the world, have mercy upon us.

Lamb of God, that takest away the sins of the world, have mercy upon us.

Lamb of God, that takest away the sins of the world, grant us peace.

Here while making the sign of the cross let him place the third particle of the Host in the sacrament of the blood, saying :

May this most sacred + commixture of the Body and Blood of our Lord Jesus Christ be made to me and all who *receive* it salvation of mind and body ; and a wholesome preparation for de-

The Book of Common Prayer, 1549.

Then shall the Priest say : The peace of the Lord be alway with you.

The Clerks. And with thy spirit.

The Priest. Christ our Paschal Lamb is offered up for us, *once for all, when* he bare our sins on his body upon the cross; for he is the very Lamb of God, that taketh away the sins of the world: wherefore let us keep a joyful and holy feast *with* the Lord.

[*In the communion time the Clerks shall sing,*

ii. O Lamb of God, that takest away the sins of the world: have mercy upon us.

O Lamb of God, that takest away the sins of the world: grant us thy peace.

beginning so soon as the priest doth receive the holy Communion, and when the Communion is ended, then shall the Clerks sing the post-Communion.]

serving and obtaining life eternal Through, &c. Amen.

Before the pax is given, let the Priest say:

O Lord, Holy Father, Almighty, Everlasting God, grant me so worthily to receive this sacred Body and Blood of thy Son our Lord Jesus Christ; that I may deserve by this to receive remission of all my sins; and to be filled with thy Holy Spirit and to have thy peace; for thou art God, and besides thee there is none other; whose glorious kingdom abides for ever and ever. Amen.

Here let the Priest kiss the corporals on the right and top of the chalice, and afterwards kiss the deacon, saying:

Peace to thee and the Church.

Ans. And with thy spirit.

[*After a long rubric about giving the Pax,*]

Then the Priest, holding the Host in both hands, says privately before communicating himself:

O God the Father, fountain and origin of all goodness; who moved with mercy didst will thine Only-begotten to descend for us to the lower world and to take flesh; *the which I, unworthy, here hold in my hands:*

Here he inclines himself to the Host, saying:

I adore thee; I glorify thee I praise thee with all the intention of my heart; and pray that thou desert not us thy servants; but pardon our sins; that with a pure heart and a chaste body, we may merit to serve thee the only true and living God. Through the same Christ our Lord. Amen.

O Lord Jesu Christ, Son of the living God, who, by the will of the Father and the coöperation of the Holy Ghost, didst give life

to the world by thy death; deliver me by *this* thy most holy Body and *this* thy Blood, from all my iniquities and from all evils: and make me ever to obey thy commandments, and never permit me to be separated from thee, who with God the Father and the same Holy Ghost livest and reignest God, world without end. Amen.

May the sacrament of thy Body and Blood, O Lord Jesus, which I, though unworthy, receive, be to me not for judgment and condemnation; but by thy pity may it profit to the health of my body and soul. Amen.

To the Body, let him say, bowing down before reception:

Hail for evermore, Most Holy Flesh of Christ; to me before all and above all things sovereign sweetness. The Body of our Lord Jesus Christ be to me a sinner the way and the life. In the name + of the Father, and of the Son, and of the Holy Ghost.

Here let him take the body, first making a cross with the body itself, before his mouth, and then say to the blood, with great devotion:

Hail for ever, Heavenly Drink, to me before all and above all things sovereign sweetness. The Body and Blood of our Lord Jesus Christ profit me a sinner for an everlasting remedy unto life eternal. Amen. In the name + of the Father, and of the Son, and of the Holy Ghost. Amen.

Here he receives the blood, after which, bowing himself, let the Priest say with devotion, the following prayer:

I give thee thanks, O Lord, Holy Father, Almighty, Everlasting God who hast refreshed me with the most holy Body and Blood of thy Son our Lord Jesus

The Sarum Missal.	The Book of Common Prayer, 1549.
Christ, and pray that this sacrament of our salvation which I an unworthy sinner have received may not come to me to judgment and condemnation for my deserts; but to the advancement of the salvation* of my body and soul to eternal life. Amen.	
	Here the Priest shall turn him toward those that come to the Holy Communion, and shall say:
	You that do truly and earnestly repent you of your sins to Almighty God, and be in love and charity with your neighbours, and intend to lead a new life, following the commandments of God, and walking from henceforth in his holy ways; draw near and take this holy Sacrament to your comfort, make your humble confession to Almighty God, and to his holy Church here gathered together in his name, meekly kneeling upon your knees.
[*When any are to be communicated, a white cloth is to be held before them by the Acolytes, and the communicants are to repeat the* Confiteor.	*Then shall this general confession be made in the name of all those that are minded to receive the holy Communion, either by one of them, or else by one of the Ministers, or by the Priest himself, all kneeling humbly upon their knees.*
I confess to God, to the Blessed Mary, to all Saints, and to you, father, that I have sinned grievously, in thought, word, and deed, by my own fault; I beseech Holy Mary, all the Saints of God, and you, father, to pray for me.	Almighty God, Father of our Lord Jesus Christ, maker of all things, judge of all men, we acknowledge and bewail our manifold sins and wickedness, which we from time to time, most grievously have committed, by thought, word, and deed, against thy divine Majesty, provoking most justly thy wrath and indignation against us; we do earnestly repent and be heartily sorry for these our misdoings; the remembrance of them is griev-

* The word *salutis* is given here in the old editions, but is not in Maskell. (*Estcourt.*)

The Sarum Missal.

Then the Priest says:

Almighty God

have mercy upon you, and pardon you all your sins, deliver you from all evil, preserve and confirm you in good, and bring you to everlasting life.

Ans. Amen.

The Priest. The Almighty and merciful Lord grant you absolution and remission of all your sins, time for true penance and amendment of life, the grace and consolation of the Holy Ghost.

Ans. Amen. *(Estcourt.)*]

The Book of Common Prayer, 1549.

ous unto us, the burden of them is intolerable: have mercy upon us, have mercy upon us, most merciful Father, for thy Son our Lord Jesus Christ's sake, forgive us all that is past, and grant that we may ever hereafter serve and please thee in newness of life, to the honour and glory of thy name: through Jesus Christ our Lord. Amen.

Then shall the Priest stand up, and turning himself to the people, say thus:

Almighty God,
our heavenly Father, who of his great mercy hath promised forgiveness of sins to all them that with hearty repentance and true faith turn unto him:
have mercy upon you, pardon and deliver you from all your sins, confirm and strengthen you in all goodness, and bring you to everlasting life: through Jesus Christ our Lord. Amen.

Then shall the Priest also say:

Hear what comfortable words our Saviour Christ saith to all that truly turn to him. [Four passages of Scripture recited.]

Then shall the Priest, turning him to God's board, kneel down, and say in the name of all them that shall receive the Communion, this prayer following:

We do not presume to come to this thy table (O merciful Lord) trusting in our own righteousness, but in thy manifold and great mercies: we be not worthy so much as to gather up the crumbs under thy table:

The Sarum Missal.	The Book of Common Prayer, 1549.
	but thou art the same Lord whose property is always to have mercy. Grant us therefore (gracious Lord) so to eat the flesh of thy dear Son Jesus Christ, and to drink his blood in these holy Mysteries, that we may continually dwell in him, and he in us, that our sinful bodies may be made clean by his body, and our souls washed through his most precious blood. Amen.
	Then shall the Priest first receive the Communion in both kinds himself, and next deliver it to other Ministers, if any be there present (that they may be ready to help the chief Minister), and after to the people. And when he delivereth the Sacrament of the body of Christ, he shall say to everyone these words:
	The Body of our Lord Jesus Christ, which *was* given for thee, preserve thy body and soul unto everlasting life.
"There is no form of giving Communion in the Sarum Missal, nor in the Manuale, or in any other of the liturgical books." (*Estcourt.*)*	*And the Minister delivering the Sacrament of the Blood, and giving everyone to drink once and no more, shall say:*
	The Blood of our Lord Jesus Christ, which *was* shed for thee, preserve thy body and soul unto everlasting life.
Which said, let the Priest go to the right [south] corner of the altar with the chalice in his hands, the fingers joined still as before; and let the sub-deacon go to him and pour into the	

* Scudamore says (Not. Euch. p. 738) that there were no words of administration in the Mass because communions were rare. The words, "*was* given *for* thee" (not to be mistaken for '*is* given *to* thee'), are unknown to any ancient Liturgy, being taken from a form drawn up by Bucer for the Elector of Cologne. The words are a *Prayer* (called in the Scotch Liturgy of 1637, a 'Benediction'); hence, the rubrics belonging to them were translated by Aless, "utatur hac forma orationis," and "sic orabit." Hence, also, the direction to 'kneel', in 1552.

The Sarum Missal.	The Book of Common Prayer, 1549.
chalice wine and water; and let the Priest rinse his hands lest any relics of the body or blood remain on his fingers, or in the chalice.	
After the first ablution this prayer is said: May we receive with a pure mind, O Lord, what we have taken by the mouth; and of a temporal gift may it become to us an eternal remedy.	
Here let him wash his fingers in the hollow of the chalice with the wine poured in by the sub-deacon, which having been drunk, follows the prayer: May this communion, O Lord, purify us from crime, and make us to be partakers of a heavenly remedy.	
After receiving the ablution let the Priest place the chalice on the paten, so that if aught remain it may drain: after which, let him say, bowing: We adore the sign of the cross, through which we have received the Sacrament of Salvation.	
Then let him wash his hands: the deacon meanwhile folding up the corporals. After the Priest has washed his hands and returned to the right corner of the altar, let the deacon hold the chalice to the mouth of the Priest, if perchance aught of the poured in (wine) remain to be again taken.	
After which, with his Ministers, let him say the 'Communion.'	*Sentences of Holy Scripture, to be said or sung every day one, after the Holy Communion, called the Post-communion.*
Taste and see that the Lord is sweet: blessed is the man that hopeth in him.	If any man will follow me, let him forsake himself, and take up his cross, and follow me, &c. &c.

The Sarum Missal.

Then having made the sign of the cross on his face let the Priest turn him to the people and with arms a little raised and hands joined, say:

The Lord be with you.

And turning again to the altar let him say:

Let us pray.

Then let him say the post-communion: according to the number and arrangement of the prayers before the Epistle. The last of these being finished and the cross signed on his forehead, let the Priest turn himself again towards the people and say:

The Lord be with you.

Then the deacon (turning to the altar):

Let us give thanks unto the Lord.

At other times is said (turning to the people):—

Go! It [the Assembly] is dismissed.

* Having received, O Lord, these helps to our salvation, grant, we beseech thee, that we may be ever protected by the patronage of Blessed Mary ever Virgin, in veneration of whom we have made these offerings to thy Majesty.

Heavenly Sacraments have we received, O Lord, while celebrating the memory of Blessed Mary, ever Virgin and Mother of God, and of all thy saints; grant, we beseech thee, that what engages us in time, we may, by the aid of their prayers, obtain in the joys of eternity.

The Book of Common Prayer 1549.

Then the Priest shall give thanks to God, in the name of all them that have communicated, turning him first to the people and saying:

The Lord be with you.
Ans. And with thy spirit.

Priest. Let us pray.

Almighty and ever-living God, we most heartily thank thee, for that thou hast vouchsafed to feed us in these holy Mysteries, with the spiritual food of the most precious body and blood of thy Son our Saviour Jesus Christ, and hast assured us (*duly receiving the same*) of thy favour and goodness toward us, and that we be very members incorporate in thy mystical body, which is the blessed company of all faithful people, and heirs through hope of thy everlasting kingdom, by the merits of the death and passion of thy dear Son. We therefore most humbly beseech thee, O heavenly Father, so to assist us with thy

* These are two out of the five Post-Communion collects given by *Estcourt*, as a sample of their character.

The Sarum Missal.	The Book of Common Prayer, 1549.
	grace, that we may continue in that holy fellowship, and do all such good works as thou hast prepared for us to walk in: through, &c.
Let the Priest, with bent body and joined hands, say before the midst of the altar, in a low voice:	*Then the Priest, turning him to the people, shall let them depart with this blessing:*
Let the homage of my service be pleasing to Thee, O holy Trinity, and grant that this sacrifice which I, unworthy, have offered to the eyes of thy Majesty, may be acceptable to thee, and by thy mercy, be a propitiation for me, and for all for whom I have offered it. Who livest, &c. Amen.	The peace of God (which passeth all understanding) keep your hearts and minds in the knowledge and love of God, and of his Son Jesus Christ our Lord. And the blessing of God Almighty, the Father, the Son, and the Holy Ghost, be amongst you and remain with you alway.
The Priest. In the Name + of the Father, and of the Son, and of the Holy Ghost. Amen.	*Then the people shall answer:* Amen.

It will be seen that while the First Book differed enormously from the Missal, its language was ambiguous as to a presence "IN those holy mysteries," an expression which recurred three times, and has been, in each instance, carefully expunged. Still more equivocal was the declaration at the end that "men must not think less to be received in part than in the whole, but *in each* of them the whole body." (See Cranmer *On Lord's Supper*, p. 64.) By placing the Invocation *before* the words of Institution, it departed from the order of the "Ancient" liturgies, and so far was favourable to the Romish view. The use of sacrificial language, and of the Agnus after the consecration and prior to consumption of the elements, coupled with the retention of the word "Altar," evidences the divergent sentiments of the compilers. So soon as the Romish prelates Bonner, Gardiner, Day, Heath, Reps, Voysey, and Tunstall had been got rid of, Cranmer and his colleagues were enabled to give effect to their own wishes by adopting the Second Prayer Book. Only two bishops voted against that book: whereas eight voted against the First Book, and five against the Ordinal of 1550. Compared with the Missal, the First Book was a highly Protestant production: yet it was, after all, "a compromise which satisfied nobody."

To be obtained at the Office of the CHURCH ASSOCIATION, 14, Buckingham Street, Strand, London, at the price of 2*d* each or 12*s* per 100.

4th Thousand.]

"PROSECUTIONS FOR Ritual Observances."

A REPLY TO THE DEAN OF CANTERBURY.

BY

The RIGHT REV. BISHOP ALFORD, D.D.

THE learned Dean of Canterbury in his article on prosecution for Ritual observances, in the *Churchman* of February, represents the Church Association as wholly bad!—He has nothing good to say for it. The policy of the Council, which is said to be "compulsion," is compared with that of the lawyers who brought about the crucifixion of our Lord, and of the Pagan Roman Emperors who persecuted the Christians to the death. The Church of Rome is wiser now than the Church Association who shut up Mr. Green in Lancaster prison!—How could so good a man as Dean Payne Smith have found it in his heart to suggest such dreadful comparisons, or dip his pen in ink to write and publish such hard sayings?

The Dean writes, and it is almost the only passage I quote with entire concurrence,—"The Ritual struggle carried on during the last forty years has been one involving vast and important

issues. It has been no mere controversy as to the meaning of a rubric, or the outside form of public worship; but doctrines which concern the central truths of Christianity have actually and confessedly been at stake." The Dean himself, till within a few months, engaged in this struggle, and in his Cathedral city espoused the cause of the Church Association, urging many good reasons for supporting it, and it is only since the Protestant Churchmen's Alliance has been called into existence, that he forsook his old love, whom now he seems to hate, in espousing his second.

Let us examine some of the reasons he assigns for this change of affection and attitude.

1. "The mind of the Church has been called away from its proper field of duty, and the strength of one portion of her children given, not to the earnest doing of their own work, but the endeavour to compel others to desist from what they hold to be legal and within their corporate rights." But is a man, or any body of men (even though their course of action has been adjudicated upon and pronounced illegal and a public wrong!), to be permitted to persist therein to the detriment of the common good, because in their opinion they have a "right" to do so? Is restraint in all cases a "compulsion" to be censured? Is self-protection no moral duty, and the protection of the young and weak unable to protect themselves, and dependent upon others to step in and succour them? Admit the truth of the Dean's statement, and the doors of our gaols and lunatic asylums may be thrown wide open, and what would soon become of any peaceful and well-ordered community? True! some incidental advantages might be the result! Taxes might be lightened, officials and police now employed in the protection of life and property, and in the furtherance of the ends of justice, might be employed on other duties, but what would be the result? Need I apply the illustration to the case before us? Shut up the Ecclesiastical Courts; dissolve our Protestant societies; divert the funds of the Church Association now spent in the protection of our churches and Church services from being changed into Mass-houses and Masses; let the Ritualistic clergy and the English Church Union have their own way in the assertion of their supposed "rights" in the parish and parish church, the family, and the nation; let protective and corrective measures be cancelled, and all fear of restraint be abolished, in the face of Archbishop Tait's "Conspiracy" and of the English Church Union—the formation of which made the Church Association a necessity—and who can help seeing that the blessed Reformation which our forefathers handed down to us, would soon be ours no longer to hand down to posterity?

2. Again, we read, "Decrees of law courts appeal to no moral faculty. They scarcely affect the intellect, for the wisest summing-up of the most experienced judge does not prevent the losing litigant from trying his chance on an appeal. They are not expected to influence the conscience," &c. This, indeed, may be true in criminal cases in respect of thieves and murderers! But surely there is a distinction to be drawn. In ritual cases, to carry a case from the lower to the higher Court, whether on the part of the prosecution or the defence, is a course not necessarily to be deprecated. It may be a course approved by the presiding judge, expedient, and even necessary and commendable! But when final judgment has been given, and the Supreme Court has spoken, then obedience to the law is the duty of every loyal citizen and Christian man. The Church Association recognizes that duty, and has never failed as a body of Churchmen to accept the decision. This cannot be affirmed of the Ritualistic clergy or of the English Church Union, which, through thick and thin, has too often espoused their cause. One would, indeed, have supposed it otherwise. I remember how the late Archbishop, when, in a certain case, he gave his sanction to legal procedure, added—he could not conceive how a clergyman could do otherwise than obey when the law had been declared. It was always assumed that with clergymen of the Church of England a final judgment would be loyally recognized as a settlement of the contention. But self-assertion as to the merits of Ritual cases has known no bounds with certain clergymen, who, supported by their "party," have courted prison rather than obey. And seeing that in any well-ordered State the law can never be broken deliberately and persistently with impunity, it was not the Church Association that sent them to prison for "contempt of court," but the court itself, which they dared to withstand with the penalty of transgression full in view. Deprivation, not imprisonment for persistent contumacy was the result anticipated. That it was not realized was no fault of the prosecution; yet what storms of wrathful indignation have been raised against them on this account. It is time the matter were fairly stated and better understood. The Dean of Canterbury has shown scant justice to the Church Association in his remarks upon this part of the case. The disgrace of the imprisonment belongs not to the Church Association, but to the recalcitrant clergy who gloried in their shame, and still more to abettors who encouraged them in their contumacy, with a view to bring Church authority, and the ecclesiastical law that pronounced against them, into disrepute.

3. But the Dean objects altogether to appeal to ecclesiastical law in the matter of ritual transgression. He tells us: "The

right appeal in all moral and religious questions is not to the law courts, but to the good sense and enlightened conscience of the thoughtful and religious people of our land." Certainly (I reply); take that course first. And this is just what the Church Association did. But, unhappily, all people in the land, if "religious," are not "thoughtful," nor have they all an enlightened conscience, nor are they all blessed with good sense. What is to be done with such *as will transgress*? The law was made for such. They are the very persons who must be brought under its control. The wisdom and authority of both Church and State are concentrated in the law of the land. The laws are sanctioned by Parliamentary enactment, and the Courts appointed for their administration are constitutional, and must be held to be constitutional till proved otherwise. To appeal to the "*People*" independently of the Law Courts is pure Communism. It seems to me that the advocacy of such a course of procedure can only produce revolution and disaster, whether in Church or State. The Dean himself admits that the decision of even the enlightened, and sensible, and religious among the people might not be the right one; for, he adds, they may have been imperfectly "instructed," and may be "influenced by feeling;" and he never hints at the "*Law*" according to which their decision is to be given, and so he leaves us without law, without judge—in a word, a prey to Anarchy. General "approbation," popularity, either of the man or his cause, is to win the day. Can he advocate the *Vox populi, vox Dei?*

4. Further, it is very unjustly assumed that Protestant Churchmen spend all their strength of body and mind and their money in litigation, neglecting spiritual work at home and abroad. "By their fruits ye shall know them"; and (writes the Dean) "where the fruits are ritual prosecution the general opinion will be that the trees that bear them must be of a thorny kind." The representation is that the Church Associationist is a thorn tree, and other Churchmen, those opposed, are fruit trees, and that the fruit is preferable to the thorn! This certainly is not very complimentary, but is it charitable? Is it true? I will not, in reply, mention the names of many who now sit round the council table and are responsible for the action of the Church Association. It would be invidious so to do. Yet if the Chairmen of the Council are taken into account, let me ask—were the late Mr. Joseph Hoare, or the late Mr. Andrews thorn trees, such as the Dean depicts? Did the Dean know anything of the late Mr. John Martin, for years the laborious chairman of the Church Pastoral Aid Sub-Committee, the mainspring of the Colonial and Continental Church Society, the indefatigable and most generous secretary of the Highbury Training Institution,

the founder of and the constant teacher in the celebrated schools in Baldwin's Gardens in the parish of St. Alban's, Holborn,—to whom South London is at this present time indebted for one or more of the Evangelical churches that are still so greatly needed there, whose life and whose fortune were spent in doing good, and by whom the litigation he for years "promoted" in the celebrated case of Martin *v.* Mackonochie was undertaken as a necessary, but to my knowledge most uncongenial, task? But all was endured patiently and lovingly for the sake of Christ, and the truth of His Gospel. I ask, is Mr. John Martin justly numbered, not among the fruit trees, but among the thorns? If the Dean (as I am sure he does) respects and values the Churchmen who support our missionary societies and are devoted to the spread of the Gospel at home and abroad (though they care little for "church decoration," the flowers, the crosses, the candles, &c., and are content to live and die unrecognized by ecclesiastical authority, conscious of the approval of their heavenly Master!) let me assure him he will find many of them still among those staunch supporters of the Church of the Reformation who guide the councils of the Church Association, and are prepared to defend the worship, and rites, and ceremonies, and Protestant teaching as enshrined in the Thirty-nine Articles of the Church of England, as long as life, and health, and means, and opportunity permit them.

5. "The few extreme men on either side" are spoken of by the Dean in terms of reprobation. I will not mention names on the Ritualistic side. Let the records of the Church Courts be searched, and the list will be found too long, of priests who have brought no credit to the Church by their mimicry of the profane and gorgeous Mass of the Church of Rome. On the other hand, where is the record of Evangelical names who have been tried and condemned for any similar breach of ritual? If the Ritualists have introduced Romish vestments and been admonished,—where have Evangelicals abjured the surplice? If the Ritualists have added water to the wine at the sacramental table and been admonished,—where has an Evangelical omitted the manual acts? If Ritualists have set up stone altars and been admonished,—where ceremonially has an Evangelical clergyman even brought the holy table into "the body of the church" (which is perfectly lawful), or stood behind it looking westward, and been even challenged? As it regards Church ritual, it is an injustice to speak of extreme men on *either side*. Evangelicals have no extreme men (that I have ever heard of) guilty of wilful deviation from recognized rubrical observance. Were such deviation attempted or abetted by any Evangelical clergyman he would need no episcopal monition. I

am persuaded he would soon be called to order by his Evangelical brethren, and if he ventured to persist in such conduct he would stand out a marked man in his folly. We have no such "extreme men" as the Dean seems to assume. But Ritualistic churches can show them by the dozen, and the English Church Union gives them countenance and support, and I respectfully suggest to the Dean of Canterbury whether the term as he has used it in reference to the Evangelical clergy is charitable or just.

6. Mention is further made "*of the great quiet party who form the bulk of the clergy*" and of their place in the present controversy. The Dean's picture is quite interesting. As a rule, he says, they are well acquainted with Scripture, and more or less studious. They are fairly well acquainted with the great writers of our Church, but read perhaps too exclusively serial literature, and are probably influenced too much in their judgment by newspapers! We are thus transplanted to the quietude of a country life. We see the oxen browsing in the fat pastures, and (as in the well-known fable) we hear the croaking frogs whom we take in the Dean's allusion to be the Church Associationists—those combatants who, "like the excitement of the fray," but whose noise the quiet oxen dislike exceedingly! Is it suggested that "the quiet ones" who form the bulk of the clergy turn upon the noisy frogs, and tread them down to death? In other words, that the Church Association had better take timely warning, or they may soon come to a bad end? Ah! But the "quiet clergy" would soon discover their mistake! They would punish the wrong party! Their conduct would resemble that of the crowd who arrested the constable and locked him up, while they let the burglar escape.

7. But let me ask the very Rev. the Dean, are not the hints he gives as applicable to the new Protestant Churchmen's Alliance, of which he is one of the founders, as to the Church Association? Last year the P.C.A. also entered on "the fray." The Society was inaugurated by a service in St. Martin's-in-the-Fields, where the Dean gave an address with special reference to the sacrament of the Lord's Supper, which was subsequently administered on the occasion. The Society was launched in the afternoon at a special meeting in Exeter Hall, Lord Grimthorpe in the chair. The Dean took part, and his name now stands prominently on the Executive Committee. In town and country, meetings are being held in support of the P.C.A., especially in the rural diocese of Chester, whose Bishop has vetoed the Alliance, as the Alliance threatens to deprive his Lordship of the episcopal Veto in ecclesiastical prosecutions. Not only so; the P.C.A. is agitating, in cases of contumacy, for the substitution of summary

deprivation in place of imprisonment as the more suitable punishment: Now this is a distinct recognition by the P.C.A. of Ritual prosecution as a remedial measure for the present distress; and whether the P.C.A. engage in "actual prosecution" or not, by removing the two great obstacles which have hitherto brought Ritual prosecutions into disrepute it undoubtedly will give most effective assistance to the work of the C.A., which the Dean stigmatizes as "fatal and foolish, contrary to the whole spirit of Christianity, the teaching of our Lord, and of St. Paul, and of our Church!" Is it consistent on the Dean's part to condemn the C.A. for carrying into effect the very work which the P.C.A. (of which he is so staunch a supporter) is founded avowedly to bring about! If "the great quiet party," (who it is affirmed) form the bulk of the clergy, are incited to stamp out the C.A., are they not likely to stamp out the P.C.A. also? Do not the Dean's arguments apply as forcibly to the one as to the other? Is not the same thing as "foolish and fatal and contrary to Christianity" in the one as in the other? When the Dean has shown the reasonableness of his *censure* of the Church Association, and of his *approval* of the P.C.A. for the very same policy, and that his censure of prosecution by the C.A. is not negatived by his approval of *part and parcel of the same thing* by the P.C.A., for, why abolish the Episcopal Veto except to make prosecution all the easier? it will be time enough to consider his quotations from Holy Scripture to prove appeal to law, to be "litigation" in an opprobrious sense, to show their inapplicability, and on what a foundation of sand his whole argument rests.

8. I must, however, notice the Dean's assertion that *in moral and religious questions the Law Courts are not the right* tribunals. But what saith the XXVI. Article? "It appertaineth to the discipline of the Church that inquiry be made of evil ministers, and that they be accused by those that have knowledge of their offences; and, finally, being found guilty, by just judgment be deposed." Also Article XXXIV., "Whosoever, through his private judgment, willingly and purposely, doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, is and ought to be rebuked openly (that others may fear to do the like,) as he that offendeth against the common order of the Church, and hurteth the authority of the magistrate, and woundeth the consciences of the weak brethren." The second Homily for Whit Sunday is to the same purport—"The true Church hath always three notes or marks whereby it is known—pure and sound doctrine, the sacraments ministered according to Christ's holy institution, and the right use of ecclesiastical discipline." To quote but one *Scripture*, read xviii.

Matthew 17, where the Lord Himself directs in reference to Church members who offend—"If he shall neglect to hear them (the two or three witnesses) *tell it unto the Church*; but if he neglect to hear the Church, let him be unto thee as a heathen man and a publican." Surely, a court of appeal is here authorized and commanded by Christ Himself, an ecclesiastical law court such as that before which the Bishop of Lincoln is now arraigned.

9. One more criticism, which I heartily wish I might avoid—"These prosecutions are not to resist wrongs done to us, but are got up by a central society using the names of 'aggrieved parishioners' to settle matters of opinion. . . If there must be prosecutions . . . let them at least be honest, carried on by the persons who give their names." This is no better than a claptrap appeal founded on popular misrepresentation. That an advocate engaged to damage the prosecution and bring it under obloquy, should be guilty of such liberty of speech, is only just what might be anticipated. Sensible men in reading the newspaper report, if they did not *skip* it, would know the nature of such a representation and appreciate it accordingly. It is different as read from the pen of the Dean of Canterbury, written at his study-desk, and with the calmness and kindness and Christian feeling and good judgment with which we have been ever wont to accredit him.

Let us weigh his statements:—

i. These prosecutions are not to resist *wrongs done to us!* Possibly so, in any strictly personal sense; but it may be a personal wrong to those with whom we are nearly connected, and few are the families that have not suffered from "*the wrong*" of Ritualism. It has proved a root of bitterness in whole *families* by the introduction of religious dissensions—seducing some away to Rome, driving others to the Plymouth Brethren, and in many an instance occasioning that asperity of temper and warmth of speech that eats like a cancer into family love, and makes a once happy home a scene of miserable contention. Ritualism is a wrong to a *Parish!* In how many cases has the introduction of Ritualistic worship into the Church divided and scattered a united and prosperous congregation? Look at our own Church of England! What a divided Church has she become since Ritualism raised her hateful head amongst us, disintegrating the whole body—her *Laity!* as in the case of the English Church Union and our Protestant societies; her *Clergy!* in array against each other, Catholic *versus* Protestant, and *vice versâ*; our *Bishops!* one now on his trial at Lambeth; and it was Ritualism that did the mischief. In one church an altar, and the Mass, and confessional; in another the table and Holy Communion!

In one pulpit the doctrine of the Thirty-nine Articles faithfully preached; in another the Reformation denounced as a bane, and all Roman doctrine set forth, except perhaps Papal Infallibility and the Immaculate Conception! And is this, and much more than this, *no wrong* done to you and me? Is all this a mere matter of "opinion"?

ii. "Got up by a central society,"! Does the Dean suppose that the C.A. sends agents through the country to find out causes of complaint? If he knew the correspondence that reaches the secretary, and the appeals for advice and help the council so often have before them from "aggrieved parishioners" living in all parts of England, town and country, he would soon be convinced that the C.A. had no need to "get up"—in any sense of *originating* prosecution! Then, how can congregations protect the public service of their church from innovation, and travesty, and idolatry too often forced upon them by the Ritualistic priest, and a little knot of so-called "Catholics" imported into the parish, if their appeals for aid pass unheeded, and they are left to their unaided efforts? Without the aid of a central Society the whole field of the Church would be left a prey to the Ritualistic foe. That combination is a necessity, all experience proves, and common sense would suggest. The Ritualists acknowledge this, or why did they institute the Church Union which the C.A. was formed to resist? The Bishop is no prosecutor! He is, in the first place, to judge of the propriety of legal appeal, and if uncalled for, he "vetoes" the appeal. To say that all prosecution must rest with the Bishop, and that the laity are to be reduced to a state of silent inactivity, may sound very "Church-like;" but in the first place it would make the Church of England a *Prelatic* Church rather than Episcopal, and in the next place put a burden upon the Episcopate they were never consecrated to bear, and to expect of them the fulfilment of duties they were never trained to discharge. Church and State are happily united in England, and in all cases, Ecclesiastical and Civil, Her Majesty in her courts of law reigns *supreme*.

iii. "Let *honest* people carry on the prosecution,"! The prosecution must consist of parishioners and householders, and in many a parish the selection must be necessarily very limited. And if the Dean knew the annoyances and persecution that haunt a parishioner bold enough to give his name in a case of ritual prosecution he would only wonder that any one ventures to come forward. The whole quiver full of arrows is at once discharged against him by every ritualistic medium of approach. The Dean of Canterbury is, I am sure, a merciful man, but it seems not even he, has mercy on an "aggrieved parishioner"

who stands forth as a prosecutor, nor on a witness, however respectable a man, who stands up to give his evidence! Why should the prosecution be deemed dishonest because in part or in whole the *expenses* of the suit for which they make themselves responsible, are drawn from a common fund? Why should A or B bear a burden for the good of a parish and a church, which a Bishop shrinks from undertaking as ruinous to his income? Why not allow others who feel an interest in the case to fulfil the apostolic precept, "Bear ye one another's burdens, and so fulfil the law of Christ"? Then as to witnesses! It is not every man that has sufficient ecclesiastical knowledge to undertake such a duty. Some special technical qualification is required. Nor has every one, however good his education, the presence of mind and courage to enter the witness-box, and with justice to the case, so give and sustain his evidence that a trained advocate should gain no undue advantage from his inexperience. To neglect, in a case of prosecution, common-sense precautions which the Dean appears to regard as wanting in "honesty" would, in fact, make prosecution nugatory, and leave the Ritualist in full and complete possession. I, for one, record my admiration of "the prosecution," and of the witnesses, however assailed by counsel and contumeliously reproached, for their courage and the patriotism they display in the discharge of the difficult duties they fulfil.

iv. "Let the prosecution be carried on by those *who give their names*," writes the Dean! What is there *anonymous* in a ritual prosecution? Is a false name ever assumed? It seems to me *impossible*. And yet the Dean flings this stone at the Church Association! The names of the aggrieved parishioners are published in the papers every time the trial is reported. The witnesses? They give their names, and occupation, and residence, and the "defence" turns them inside out, over and over again, with no very complimentary remarks. The Church Association? Any report will give the names of every gentleman on the council, of every subscriber, and of every officer from the chairman and secretary to the official in the lowest rank. What other names would the Dean ask for?

v. Might I ask the Dean what "consensus" he would suggest to "settle what are the reasonable limits of the Ritual sanctioned by our Church"?

Have we no rubrics already acknowledged and generally obeyed, except by a faction? In case of doubtful interpretation, have we no court of final appeal? Has it not already spoken? Would the Dean prefer convocation? Which? Northern or Southern? Are they ever likely to agree? or, as constituted, can they be expected to secure submission? Let me respectfully ask the Dean:—

Can any Court have a better claim to the obedience of loyal Churchmen than the Queen in Council?

With sincere respect and affection for so good and learned a dignitary of our Church as the present Dean of Canterbury, I entreat his patient consideration of the criticisms I have ventured to offer on the tone and argument he has used in his paper on ritual prosecution. Dr. Payne Smith has long been an acknowledged and trusted leader among Evangelical and Protestant Churchmen. But, to my mind, his paper is most unfriendly to our contention with Ritualism, and far more damaging to the Protestant interests of our Church than any strictures the Ritualistic press could publish.

Let it not, however, be forgotten that thousands of good Churchmen are in conscience pledged before God and their country never to tolerate Ritualism, accepted and incorporated as the doctrine and worship of the national and established Church of this country. We may deplore defection of Evangelical and Protestant Churchmen and be sorely grieved thereby, but the conflict can never end in the triumph of Ritualism. An Episcopal Church in England may in the course of time exchange our Protestant Prayer-book for the first Prayer-book of Edward VI.—or introduce the latter as an alternative service book—but it will not be the Established Church, nor the undivided Episcopal Church of the land. A return to the sacerdotalism of Rome in any shape would deprive the Church of the respect and affection of the people and seal her fate as a national Church. A *national* Church is indeed a precious heritage, but distinctively it must be the Church of the Reformation—Episcopal but not Prelatic. Let us be faithful and bold; and whatever contumely may await us, contend to the last that the Church of England remain Protestant and Evangelical, according to the teaching and worship of our Book of Common Prayer.

To be obtained at the Office of the Church Association, 14, Buckingham Street, Strand, London, at the price of 8*d* per dozen, or 4*s* 6*d* per 100.

4th Thousand.]

No. CXV.

CHURCH ASSOCIATION.

DECLARATION.

Read at the Conference of November 26th and 27th, 1867, at Willis's Rooms, London.

We, the Council of the Church Association, having convened this Conference for the discussion of the existing circumstances of the Church, make the following declaration:—

We avow our cordial attachment to the United Church of England and Ireland, as by law established, as being alike Scriptural in her doctrine and Apostolical in her order. We accept her Articles as the basis of membership, because they are "agreeable to God's Word," being such as can either be "read therein or proved thereby." 6th Canon. Article VI.

While we freely allow to every member of the Church the same liberty of conscience, within the latitude of her Articles and other Formularies, which we claim for ourselves, we protest against the public inculcation, by Clergymen ministering within her pale, of doctrines repugnant to the letter and the spirit of her authorized Formularies.

The doctrines against which we specially protest at the present time, are as follows:—

1st. **That the Sacrament of the Lord's Supper is a sacrifice for sin and an oblation to God the Father of the body and blood of Christ, corresponding on earth to the intercession of our Lord and Master in Heaven.** Charge of Bishop of Salisbury, 1867, p. 53-81. Evidence of Rev. W. J. Bennett, before the Ritual Commission. Charge of the Bishop of Salisbury, 1867, p. 49-53.

Bp. of Salisbury's Charge, p. 75. Declaration of 21 Clergymen, May 30, 1867.

2nd. That the body and blood of Christ are objectively present, under the outward visible part or sign, or form of bread and wine.

Bishop of Salisbury's Charge, pp. 75-79.

3rd. That the wicked receive the body of Christ in the use of the Lord's Supper, albeit they do not receive it to salvation.

Bishop of Salisbury's Charge, pp. 59, 81. Rev. W. J. Bennett'sEvidence. 2608. Ditto, Plea for Toleration, p. 14.

4th. That Ministers of the Church of England are Sacrificing Priests, representatives of the Great Head of the Church, and exercise by delegation His powers and prerogatives.

Bp. of Salisbury's Charge, pp. 24, 56, 59, 64.

5th. That, in the exercise of these powers, the Clergy of the Church of England possess judicial authority to forgive sin, and that the forgiveness of sin is not complete without the absolution of the Priest.

Ibid., pp. 54, 56, 64.

6th. That in order to exercise the disciplinary powers of their office, for the exclusion of unbelieving or impenitent persons from Communion, Clergymen of the Church of England are authorized to hear Confessions, as an habitual part of religious practice, and to give formal absolution from sin.

Declaration of 21 Clergymen, May 30, 1867.

Bennett's Plea for Toleration, p. 14.

7th. That, "Christ Himself, really and truly, but spiritually and ineffably, present in the Sacrament, is therein to be adored" (that is, under the form of bread and wine).

We utterly reject the seven doctrines above enumerated, inasmuch as they are innovations on the faith once

delivered to the Saints, and are "grounded upon no warranty of Scripture, but rather repugnant to the Word of God." Article XXII.

We protest against the attempt to represent these doctrines as the doctrines of the Church of England, not only because her authorized Formularies do not contain them, but also because they specifically exclude and condemn them. Articles XXV. and XXIX.

Considering (1) that the Thirty-nine Articles were put forth by the joint authority of the Crown and of Convocation, for the avowed purpose of avoiding diversity of doctrine; (2) that the Royal declaration "prohibits the least difference from the said Articles," and requires them to be accepted in their "plain and full meaning," "the literal and grammatical sense;" (3) that every member of the Church of England in holy orders is bound by virtue of his subscription to the 36th Canon to the acceptance of the Articles as "agreeable to God's Word;" we publicly declare our conviction, that the teaching of doctrines, alike beyond the scope of the Articles, and repugnant to their contents, is inconsistent with faithful membership of the Church of England. Royal Declaration of 1562 prefixed to the Articles. 36th Canon.

We recognize in the attempt to teach these doctrines within the pale of the Church of England an organized effort, in some cases openly avowed, to change the doctrinal basis of the Church, as established at the Reformation, and to bring back that "Corruption of Popery," which our forefathers deliberately abolished, and against which many of them witnessed unto death. Latimer, Cranmer, Ridley at Oxford. Phillpot Examinations.

We declare that such variations from the doctrinal teaching of the Church of England, in her authorized Formularies, are a violation of the basis of her union with the State; are calculated to alienate the affection and confidence of all true Protestants; and to bring down the displeasure of Almighty God upon the Church and Nation.

We declare it to be our object to maintain the Church of England on her existing doctrinal basis, and we pledge ourselves to use every constitutional means to defend the integrity of her teaching, and the Apostolic simplicity of her worship.

With that object we call upon our brethren of the Clergy and Laity of the Church, who are attached, in common with ourselves, to the principles of the Reformation, as being the principles of the Word of God, to combine with us in resisting by common and organized action the introduction of mediæval corruptions into the teaching of the Church of England, and the re-introduction of the superstitious rites of the Church of Rome into her practice.

14, Buckingham Street, Strand,
London, W.C.

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45th Thousand.]

No CXVI.

THE CHURCH OF ENGLAND DOCTRINE ON THE SACRAMENT OF THE LORD'S SUPPER.

RUBRICAL DECLARATION AT THE END OF THE COMMUNION SERVICE OF THE CHURCH OF ENGLAND.

"WHEREAS it is ordained in this Office for the Administration of "the Lord's Supper, that the Communicants should receive the same "kneeling; (which order is well meant, for a signification of our "humble and grateful acknowledgement of the benefits of Christ "therein given to all worthy Receivers, and for the avoiding of such "profanation and disorder in the holy Communion, as might other-"wise ensue;) yet, lest the same kneeling should by any persons, "either out of ignorance and infirmity, or out of malice and "obstinacy, be misconstrued and depraved; It is hereby declared, "That thereby no adoration is intended, or ought to be done, either "unto the Sacramental Bread or Wine there bodily received, or "unto any Corporal Presence of Christ's natural Flesh and Blood. "For the Sacramental Bread and Wine remain still in their very "natural substances, and therefore may not be adored; (for that "were Idolatry, to be abhorred of all faithful Christians;) and the "natural Body and Blood of our Saviour Christ are in Heaven, and "not here; it being against the truth of Christ's natural Body to be "at one time in more places than one."

ARTICLES OF RELIGION.

ARTICLE XXVIII.—*Of the Lord's Supper.*

The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another; but rather is a Sacrament of our Redemption by Christ's death: insomuch that to such as rightly, worthily, and with faith, receive the same, the Bread which we break is a partaking of the Body of Christ; and likewise the Cup of Blessing is a partaking of the Blood of Christ.

Transubstantiation (or the change of the substance of Bread and Wine) in the Supper of the Lord, cannot be proved by holy Writ; but is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.

The Body of Christ is given, taken, and eaten, in the Supper, only after an heavenly and spiritual manner. And the mean whereby the Body of Christ is received and eaten in the Supper is Faith.

The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

ARTICLE XXXI.—*Of the one Oblation of Christ finished upon the Cross.*

The Offering of Christ once made is that perfect redemption, propitiation, and satisfaction, for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore the sacrifices of Masses, in the which it was commonly said, that the Priest did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

THE CHURCH CATECHISM.

Question. Why was the Sacrament of the Lord's Supper ordained?

Answer. For the continual remembrance of the sacrifice of the death of Christ, and of the benefits which we receive thereby.

THE TWENTY-SEVENTH HOMILY.

"But, before all other things, this we must be sure of especially, that this supper be in such wise done and ministered, as our Lord and Saviour did, and commanded to be done; as his holy apostles used it; and the good fathers in the primitive church frequented it. For, as that worthy man St. Ambrose saith, "he is unworthy of the Lord, that otherwise doth celebrate that mystery than it was delivered by him. Neither can he be devout, that otherwise doth presume than it was given by the author." We must then take heed, lest, of the memory, it be made a sacrifice; lest, of a communion, it be made a private eating; lest, of two parts, we have but one; lest, applying it for the dead, we lose the fruit that be alive. Let us rather in these matters follow the advice of Cyprian in the like cases, that is, "cleave fast to the first beginning, hold fast the Lord's tradition, do that in the Lord's commemoration which he himself did, he himself commanded, and his apostles confirmed."—*Homily on the worthy receiving and reverent esteeming of the Sacrament of the body and blood of Christ, p.* 414.

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No. CXVII.

APOSTOLIC SUCCESSION.

Successors, in the Apostolic office, the Apostles have none. As *witnesses* of the *Resurrection*—as *dispensers* of *miraculous gifts*,—as inspired *oracles* of Divine *Revelation*,—they have no successors. But as *Members*,—as *Ministers*,—as *Governors*—of Christian Communities, their successors are the regularly admitted Members,—the lawfully ordained Ministers,—the regular and recognised Governors, of a regularly subsisting Christian Church,—especially of a Church which, conforming in fundamentals,—as I am persuaded ours does,—to Gospel-principles, claims and exercises no rights beyond those which have the clear sanction of our great Master, as being essentially implied in the very character of a community.—(*Archbishop Whately's Kingdom of Christ.*)

May the members of a Church which our Reformers cleansed of so much corruption, and placed on its true basis, have the grace to profit by their example, and follow out their fundamental principles; labouring to be apostolical "not in mere words and names," but in deed and truth; actuated by the same spirit which was found in those great and good men, so far as they decreed what is agreeable to God's word, and to the "pure and peaceable wisdom that is from above." And especially may all who profess Christian principles be careful to guard themselves and others against the two most prevailing errors of these days; the two kinds of encroachments on the legitimate rights of a Christian; on the one side by presumptuous and self-sufficient irregularities, and defiance of lawful authority; and by the pretensions of supposed "Antiquity" and "Tradition" on the other; that they may be enabled under the Divine blessing, to carry into effect more and more fully, and to bring to completion "all the holy desires, all the good counsels, and all the just works" of our Reformers, and of all other our predecessors, as many as have endeavoured in simplicity and truth, to conform to the instruction of our Divine Master and his Apostles. (*Idem.*)

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LORD SANDON
ON
SACERDOTALISM.

The following is a copy of Lord Sandon's Speech on Sacerdotalism, *at the Wolverhampton Congress, Oct. 4th, 1867, reprinted from the authorized report.*

Viscount Sandon.—I have not attended the preceding Church Congresses, so that I do not quite know what is the position which a speaker is expected to assume on your platform. Is he expected to say only what he thinks will suit the opinions of the majority of those he addresses, or is he to say honestly what he believes to be true?—what he thinks himself, or what will please his audience? (Cries of "What you think yourself.") Very well, then. I will freely remark upon what I believe to be some most important hindrances to Church progress. Now, if we consider for a moment this part of the world only, it is impossible, for a Staffordshire resident like myself, not to be aware that this platform has not contained, and that these discussions have not been aided by the speeches of a large class of laymen whom we see taking the lead at the ordinary business meetings which abound in this our populous and active county of Stafford. They are devoted Churchmen in their own homes and neighbourhoods, and perform all the highest duties of Churchmen; and I ask what is the reason there are so few of these Staffordshire laymen here? And if I look around your crowded platform, do I not find instead that the laymen for the most part are those friends whose faces I principally know in London society, and who habitually attend such meetings as these in London? Is not this a sign of the existence of some great hindrance to Church progress in this county? (Cheers.) And are not the same signs to be found in every part of England? Now I will mention two hindrances from which I believe to a large extent springs the indifferentism of the great moderate party in the Established Church of the men who in all ranks of life carry on the complicated machine of self-government in England, to Church gatherings and Church progress. The first I believe to be the position of the clergy individually with regard to their own parishes. I believe that what you really want to get rid of is the autocratic position of the parish clergyman. (Cheers.) The congregation ought to have the power of choosing a body of men from among themselves who should be the clergyman's advisers, and without whose consent changes in the mode of conducting public worship should be out of the question, and who should officially share with him in the management of the schools and in the administration of parish funds. (Cheers.) But a large subject comes next. I believe that the second great hindrance to church extension is the impression that widely prevails, and I think not without cause, that not only among the High Church clergy but also among the clergy generally, there is a strong growth of what I may broadly call a priestly feeling. (Cheers and interruption.) I know I am touching dangerous ground. ("No, no," "Go on.") I wish to say what I believe is really the evil in this matter. (Cheers.) During the last ten years every one must have observed more and more, even among clergymen of the Evangelical and moderate party, a steady, quiet, and stealthy growth—though without the least guile or sinister intention—of the feeling that the clergy are of a priestly order. (Cheers.) Now, what do we mean by the priestly feeling—the priestly idea? I use the word in the common sense in which it is used in English literature. It is the feeling, it is the idea, which, as it has been seen in all countries and in all ages, is sure to grow up among the religious teachers of a people when they exaggerate the inherent virtues of their office, and thence naturally endeavour to secure for themselves supreme

power and control. ("No, no," and cheers.) This is what I understand by the priestly idea in the ordinary English sense of the word. (Cheers.) And what do you suppose it leads to? And why is there any objection to it in this country of England? We believe that that feeling is the parent of great and serious evils. (Loud cheers.) We believe that it leads to the decline and gradual extinction of learning among the clergy. ("No, no.") I am giving you my own opinion, and I know that it runs counter to the opinions of many of those who spoke this morning. We believe it leads to the inordinate multiplication and the burdensome infliction of rites and ceremonies. (Cheers.) We believe that when the temporal power will assist, it leads to the extermination of all who differ from the priestly body. (Renewed cheers, and loud expressions of dissent and dissatisfaction.) We believe it leads to the doling out of portions only from the Sacred books, in opposition to the principle of throwing them all open to the gaze of the whole people. (Cheers and hisses.) We believe that the priestly idea leads to the establishment of another master in every household, by every hearth, in the place of the husband and the father. (Prolonged interruption, cheers, and cries of "No, no, and "Shame.") We believe—and history shows us in all creeds, in all times, and in all countries the same thing—that this priestly feeling ends, lastly, in raising up and establishing a human, artificial barrier between man and his God. (Renewed excitement) These are my opinions, and I have your leave to express them. (Cheers.) Let me remind you that ever since the art of printing resulted in the distribution of books throughout the country—ever since knowledge ceased to be the exclusive possession of the clergy—there has been no faltering in the determination of the people not to have a priestly rule in England. (Cheers, confusion, and cries of "Time.") Can you for a moment imagine that a nation fond of antiquity attached to venerable institutions, and disliking sudden changes in the established order of things, would have made that great break with the past at the time of the Reformation, unless they had been under the influence of strong feelings against the domination of a priestly caste? (Cheers.) Can you imagine that a nation whose hatred of foreigners has been one of the most frequent reproaches, would have consented to receive William of Orange into England as its king, unless this determination to have no priestly rule had been ineradicable? ("No, no.") I say these things with very great regret, when I know how many clergymen there are before me. I have spent my life under the influence of the clergy. I love them, I love Oxford, I love my Church; but I am convinced that unless it is made clear to the mass of the laity by the clergy—than whom a nobler, more admirable, or more learned body does not exist—(loud cheers)—that priestly rule is not aimed at, the Church will soon cease to be the Established Church, and ceasing to be established it will cease to be the National Church, do you think you will be able to keep unhallowed hands from the Church's endowments, which now flow through so many channels for the good of the people of this country? (Loud cheering.) Let the clergy, however, frankly abandon this illusive dream: let them be content with the less ambitious, but truer and more endearing position in their parishes, of the clergyman, the minister, the pastor, the teacher, the friend of all,—and it is my firm conviction, drawn from some experience of the present disposition of our town populations, both in London and in the manufacturing districts, that there is now scarcely any limit to which their influence for good over this country may not be extended; and that the Church of England will long remain the established representative of the national faith in this land, and the source of infinite blessings to the whole people.

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No. CXIX.

WHAT DID OUR REFORMERS TEACH?

By the **Rev. C. Bullock**, *Rector of St. Nicholas', Worcester, Editor of "Our Own Fireside."*

The Teaching of the Reformers.

"Feeding on Christ, in the heart, by faith, with thanksgiving," is the Christian's *daily privilege and daily* necessity. Unless he thus "eats Christ's flesh, and drinks His blood," or, *equivalent* words, "*dwells in Christ, and Christ in him*," there is "no" spiritual "life" in him.—(St. John vi. 56.)

The setting forth of this *truth*, so plainly revealed, and so simple in its very mystery, is the only safeguard against error respecting the Lord's Supper.

There cannot be *two* ways of "eating Christ's body" and "drinking His blood;" and he who does it "by faith" *daily*, will also do it "by faith," when, in communion with his brethren, in the special act of sacramental *remembrance* at the Lord's Table, he realizes the *real presence*, promised by the Saviour, "whenever two or three are gathered together in His Name."

This is what the Reformers taught.

Thus Tyndale says:—"The Papists draw and wrest the 6th of John to the carnal and fleshly eating of Christ's body in the mouth, when it only meaneth of eating by *faith*. For when Christ said, 'Except ye eat the flesh of the Son of Man, and drink His blood, ye have no life in you,' this *cannot* be understood of the Sacrament. For Abraham had life, and all the old holy fathers; John Baptist, Simeon, and all the Apostles, had life already by faith in Christ; of which *not one* had eaten His flesh, and drunken His blood, with their bodily mouths. But truth it is, that the righteous liveth by His faith; therefore, to believe and trust in Christ's blood is the eating that there was meant, as the text well proveth."

Archbishop Cranmer also says:—"Christ in the 6th of John spake not of the material and Sacramental bread, nor of the Sacramental eating (for that was spoken two or three years before the Sacrament was first ordained); but He spake of Spiritual bread, many times repeating 'I am the bread of life, which came from heaven,' and of Spiritual eating by faith, after which sort He was at the same present time eaten of as many as believed on Him, although the Sacrament was not at that time made and instituted."

And the famous Bishop Jewel says: "If no man may eat the flesh

of Christ, but only in the Sacrament, then all Christian children, and all others whatsoever that depart this life without receiving the Sacrament, must needs be damned, and die the children of God's anger." "This principle," he says, "is not only false in itself, but also full of dangerous doctrine." He adds, "But little care these men (Dr. Harding and other Romanists) who or how many perish, so their fantasies may stand upright."

The Teaching of the Ritualists.

The Rev. G. R. Prynne, of St. Peter's, Plymouth, in *The Eucharistic Manual*, pronounced by the Rev. G. Nugee, before the Ritual Commission, "one of the best books on the Holy Communion," says. "Unless men . . . . feed upon Christ's body and blood in the Holy Communion, they cannot remain united to Christ, and if not united to Christ they cannot come to eternal life. . . . Not to receive the Holy Communion is to forfeit our salvation. . . . . Those Christians who are never present when the Holy Eucharist is offered up, never plead for their pardon and forgiveness in that one way which Christ ordained that they should plead for it."

Note of Comment.

It thus appears that the controversy of the day is not one of Ecclesiastical millinery or theatrical display, but of man's eternal doom. It is really whether men "are saved by grace through faith," according to the Scripture, or through the Sacraments, according to the priest. "If through the Sacraments, then,—as according to Ritualistic teaching, the only way of salvation is by partaking of the body and blood of Christ in the Sacrament, and as this body and blood can only be conveyed to individual Christians by priests descended in a direct line from the Apostles—the future state of every man depends upon his receiving or not receiving the body and blood of Christ in the Sacrament of His Supper at the hands of a priest of the true Church.

"As the matter is so weighty, it will perhaps be better to speak plainly; if a man do not partake of the body and blood of Christ in the Sacrament at the hands of a true priest he cannot go to heaven, but must go to hell!"

In view of this teaching, are we not right in saying with the first Archbishop of the Reformed Church of England—"All such priests as pretend to be Christ's successors in making a sacrifice of Him are His most heinous and horrible adversaries?"

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No. CXX.

WHAT RITUALISM IS!—No. 1.

It is to hold "that no public worship is really deserving of its name unless it be histrionic, to learn a lesson from the stage, the gin-palace, the Odd Fellows and the Foresters (1);" to conduct divine service so that "a stranger entering into a Church where Ritual is carefully attended to might easily, and *of course*, mistake it for a Roman service (2);" to maintain as "the five prominent (though not exclusive) points of the charter of an English Churchman's Ritualistic liberties, the ancient vestments, the two lights on the altar, the incense, the mixed chalice, the eastward position, in front of the altar, of the priest and his assistants in the celebration of the Holy Communion (3)."

It is to speak of the XXXIX Articles as "those Protestant Articles tacked on to a Catholic Liturgy, those forty stripes save one, as some have called them, laid on the back of the Anglican Priesthood (4)."

It is to assert "that nothing can ever make up for the loss of the perpetual Presence of God incarnate, under the form of bread, on the altar; or for the practical change which has turned our clergy from a sacrificing priesthood into a preaching ministry (5);" to pray after the consecration, "by the words of which the bread becomes the body of Christ, and the wine the blood, 'I believe, O Jesus, that Thou art truly present; I worship Thee as the shepherds worshipped Thee, as the wise men adored Thee' (6);" "to bow down the head and body in deepest adoration when the priest says the awful words, and to worship the Saviour then verily and indeed present on His altar (7);" to recognise and give directions for "Mass for the dead," with the prayer "Grant that the sacrifice may be a propitiation for me, and for all for whom I have offered it (8)."

It is to agree "that those who are neither with the saints nor with the damned suffer great anguish, and that meantime their souls are benefited by the prayers and offerings of the Church, and by alms given in their behalf; that those who have not died beyond the pale of salvation receive mitigation in their sufferings, and ultimate release; and that possibly

1. The Church and the World, p. 37.

2. The Church and the World, p. 212.

3. The Church and the World, p. 497.

4. The Church and the World, p. 202.

5. The Church and the World, p. 236.

6. The Little Primer, p 67.

7. The Little Prayer Book, p 16.

8. Altar Manual, pp. 12, 16.

those who are lost gain a mitigation of their sufferings, which mitigation may last through eternity (9);" that by the disuse of the custom of "men flocking to the altar of God there to offer up their prayers in conjunction with the All-prevailing Sacrifice for their departed friends, the dead have been defrauded of their right," and "worse than all, that through a great part of Western Christendom the voice of prayer for their peace and refreshment has already ceased for three hundred years; thus the perfecting of the Saints has been retarded, and the great day of final reckoning postponed (10)."

9. Tracts for the Day, No. 2, Purgatory, p. 22.

10. Tracts for the Day, No. 2, Purgatory p. 46.

It is to affirm, "that Protestantism is hopelessly undogmatic; that it consists in a system of negations; it is destructive not constructive, &c. (11);" "that there is nothing in the Council of Trent which could not be explained satisfactorily to us if it were explained authoritatively, (12);" to believe "that, rightly understood, they are in the main truer statements than our own;" "that there is nothing that can be called error in the Church of Rome (13);" "that the English Church is still a part of the Catholic Church, unless she sinned sufficiently at the Reformation to justify Rome in cutting her off (14);" to believe it to be "a most fatal mistake to think that the sins confessed in secret to God are fully confessed;" "to look upon the confessing priest not as a commissioned minister, but to see that it is our Lord Himself who speaks at Confession, and that the Confessor's words are not his own, but that he is under the control of one who regulates them in a way of which the priest himself is generally unconscious (15)."

11. The Church and the World, p. 101.

12. The Church and the World, p. 241.

13. The Church and the World, p. 230.

14. The Church and the World, p. 331.

15. The Church and the World, p. 226.

It is to admire and propose for imitation the Liturgy of the Church of Sarum (16); wherein are set forth the Romish vestments, (pp. 37, 44-5-6), chasuble, amice, &c.; the lights, the acolytes, (pp. 39, 40, Preface, p. 13), thurifers, (p. 42), and taper bearers, (p. 41), the incense (pp. 42-7, 51), worship of the crucifix (p. 47), sign of the cross, (p. 48), adoring the cross and prayers to it (pp. 121-2), performing sacrifice, offering the host, elevating and adoring it, (pp. 50-1-2-3, 62-3-5-6-7, 75-8, 81, and 124); High mass, low mass, masses for the dead, (pp. 41, 68, 75, 81), belief in purgatory, (p. 54), prayers to the Virgin, (pp. 38, 40-9, 64, 70-3, 83), festivals in her honour, prayers to the saints asking their intercession, (pp. 40, 64, 90-3).

16. Liturgy of the Church of Sarum, dedicated by permission, to the Bishop of Salisbury.

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WHAT RITUALISM IS!—No. 2.

It is to "utterly reject and anathematize the principle of Protestantism as a heresy, with all its forms, sects, or denominations (1);" "to hate the Reformation and the Reformers more and more (2);" to mourn under "the miserable and soul-sickening feeling of being cut off from Christendom (3);" to hold that "our Church is *Ichabod*, the glory is departed (4);" indulging merely a faint hope, "should the pure light of the gospel be ever, by God's grace, restored to this benighted land (5)."

It is to denounce "the present Church system as an *incubus* upon the country (6);" to declare that "the Church is in captivity (7);" that it is "in bondage," and "working in chains (8);" that "the English Church is incomplete in its formal doctrine and discipline (9);" that "at the *rebellion* of 1688 she threw, as it were, out of her pale, the doctrine of Christ crucified (10);" that "the mark of being Christ's kingdom is obscured, and but faintly traced on the English Church (11);" and that, "we must recede more and more from the principles of the English Reformation (12)."

It is to declare that "our articles are the offspring of an uncatholic age (13);" and that the communion service is "a judgment upon the Church (14);" it is to teach that "the Romish ritual was a precious possession (15);" that the mass book is "a sacred and most precious monument of the Apostles (16);" that "Rome has preserved in her services, that beauty of holiness, of which we had lost sight (17);" and that the discarding of the mass by our Reformers, gives rise to "a feeling of indignation and impatient sorrow (18)."

It is to assert that "Scripture, it is plain, is not, on Anglican principles, the rule of faith (19);" that "the tradition of the Church Catholic is the legitimate interpreter of Scripture (20);" and that "we must demand the ascertainment and teaching of the whole body of Catholic tradition (21)."

It is to teach that "baptism, and not faith, is the primary instrument of justification (22);" and that "the prevailing notion of bringing forward the doctrine of the atonement, explicitly and prominently on all occasions, is evidently quite opposed to the teaching of Scripture (23)."

It is to assert that, in the Lord's Supper "the Bread and

1. Palmer's Letter to Golightly, p. 9.
2. Froude's Remains, Vol. i. p. 389.
3. British Critic. Vol. xxix. p. 357.
4. Tracts for the Times, No. 31, p. 2.
5. British Critic, Oct. 1841, p. 340.
6. Froude's Remains, Vol. i., p. 405.
7. Tracts for the Times, No. 71. p. 31.
8. Tracts for the Times, No. 90, p. 4.
9. Tracts for the Times, No. 71, p. 27.
10. Tracts for the Times, No. 80, p. 76.
11. Ward's few more Words, p. 90.
12. British Critic, July 1841, p. 45.
13. Tracts for the Times, No. 90, p. 4.
14. Froude's Remains, Vol. i. p. 410.
15. Tracts for the Times, No. 34, p. 7.
16. Newman's Letter to Faussett, p. 47.
17. British Critic, July 1841, p. 158.
18. Newman's Letter to Faussett, p. 47.
19. Tracts for the Times, No. 96, p. 11.
20. Tracts for the Times, No. 71 p. 15.
21. Palmer's Aids to Reflectin p. 15.
22. Newman on Justification, p. 260.
23. Tracts for the Times, No. 80, p. 73.

Wine are changed by the Consecration of the Priest, and the operation of the Holy Ghost, and become the very Body and very Blood of our Lord (24);" "that the power of making the Body and Blood of Christ is vested in the successors of the Apostles (25);" that the table is properly an Altar, and that "Altars presume a propitiatory sacrifice (26)."

It is to assert "the cleansing efficacy of suffering (27);"—and to assert "that a person may believe that there is a purgatory; that relics may be venerated; that saints may be invoked; that there are seven sacraments; that the mass is an offering for the quick and dead for the remission of sins; and that he may yet with a good conscience subscribe the 39 articles of the Church of England (28)."

It is to speak of the English Reformers, as "persons not to be trusted on ecclesiastical and theological questions (29);" but of Pope Hildebrand as "that celebrated man, who reigns in the Church without vestige of a rival (30);" of Thomas à Becket, as "one of the blessed saints and martyrs of the Most High (31);" and of "Hildebrand, Becket, and Innocent," as "the lights of the Church in the middle ages (32);" to hold that "divine providence mercifully interposed, by cutting short the life of King Edward VI.;" and that "the accession and reign of Queen Mary were great and positive advantages to the Church of England (33)."

Finally, it is to maintain, that, "Rome was our mother, through whom we were born to Christ (34);" that "the Reformation was a limb badly set, it must be *broken again*, in order to be righted (35);" that in "lacking visible union with the Church of Rome, we forego a great privilege (36);" that Rome, "has been, even in her worst times, on most points, a firm and consistent witness in act and word for orthodox doctrine (37);" and "that the Prayer Book has no claim on a layman's deference, as the teaching of the Church, which the Breviary and Missal have not *in a far greater degree* (38);" hence Ritualism "as on the one hand it begins with the utter repudiation of Protestantism, so on the other it will stop at nothing short of the restoration of unity throughout Catholic Christendom (39)."

The fruits of such work is already seen in the cases of those who have already joined the Romish Church.

24. Palmer's Letter to a Protestant Catholic, p. 30.
25. Froude's Remains, Vol. i. p. 326.
26. British Critic, July 1841, p. 24.
27. Ward's few more Words, p. 84.
28. Tracts for the Times, No. 90, pp. 25, 31, 36.
29. Froude's Remains, Preface, Vol. iii. p. 19.
30. British Magazine, Vol. ix. p. 359.
31. British Critic, July 1841, p. 42.
32. British Critic, July 1841, p. 15.
33. Paget's Mitford Malvoisin, pp. 58, 59.
34. Tracts for the Times, No. 77, p. 33.
35. Froude's Remains, Vol. i. p. 433.
36. British Critic, July 1841, p. 3.
37. Ward's few more Words, p. 80.
38. Froude's Remains, Vol. i. p. 402.

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THE PLAN OF THE RITUALISTIC CAMPAIGN.

"The address of Dr. Pusey to the members of the English Church Union at their last monthly* meeting is one of considerable significance, and fraught with most important lessons for the present time. It is, simply, a formal declaration of War. War against unbelief, against coldness, against timidity, against all which goes to make up that form of religionism which dignitaries call safe and the *Times* calls English. *War then it shall be.* But, that point once settled, the question is, *What shall be the tactics by which the campaign shall be conducted?* Twenty, or even ten years ago the inquiry would have been very different. Then, it would have been, Who will be the leader, who will go out against the Goliath of Protestantism and be champion for cowering Israel? *Now*, the former demoralization, engendered by centuries of apathy and ignorance is vanishing, and *there is no lack of warriors, but discipline and strategy have been but imperfectly mastered*, and there is a consequent waste of effort in many cases, if not an actual check.

"The advice of Dr. Pusey is this: Let no further advances be made for the present, but all attention be concentrated in *fortifying the position already attained*, and in completing the military education of the Church's army. This is the method by which Russia has pushed her way so steadily and permanently into the far East. A fort is erected in the enemy's country, with clear lines of communication back to the basis of supply. A village of soldier-colonists gathers round the fort, and civilians follow where a market springs up. When the post has been Russianized it becomes, in its turn, the base line of operation, and another fort is thrown out some score of miles in advance, and the process is repeated, until, as we have seen, Khokan, Bokhara, and the neighbouring territories are in a fair way to be as Slavonic as Kazen and Perm. But two rules are inexorably maintained. No fort is erected at a dangerous distance from the base line, and no non-combatants are allowed to be the pioneers of colonization. Exactly identical with this should be our policy.

"*Churches like St. Alban's, Holborn, and St. Lawrence's, Norwich*, books like the *Altar Manual*, the *Priest's Prayer Book*, and the *Church and the World*, fairly represent *the most advanced post yet reached* by the Catholic Revival in England. THEY ARE NOT THE ULTIMATE GOAL. THE FINAL AIM, WHICH ALONE WILL SATISFY THE RITUALISTS, IS THE REUNION OF CHRISTENDOM AND THE ABSORPTION OF DISSENT WITHIN THE CHURCH. Nothing short of that will be enough, but the magnitude of such an operation is so gigantic that nothing less than the application of enormous power can effect it. The guns of one fort, however great in calibre and however skilfully worked, will not supply the place of a whole siege-train, the hardy veterans of a forlorn hope are not enough to charge the whole army of Protestantism in position. To do so is magnificent, but it is not

* March 21st, 1867.

war. And as we do not want merely badges of valour, but the full conquest of a vast territory, it is clear we must employ all the skill which genius or experience can give, till we have made a nation of soldiers of those timid bondsmen who, under long Philistine domination, have had neither sword nor shield for their defence, and have had to seek the grudging leave of their tyrants for even so much use of iron as would enable them to prepare the soil for a scanty and precarious harvest.

"This, then, is the thing to do. Let the advanced posts remain as they are. Let each of those which is a little behind, and only a little, gradually take up the same position, and let this process be carried on (only without haste or wavering) down to the last in the chain. *A story is told of a dishonest baker* who kept himself and his family in meat at a nominal cost by purchasing the very smallest leg of mutton to be had, and exchanging this for the next in size sent him by his customers, and repeating the process until he had succeeded in obtaining nearly twenty pounds of meat for his original six or seven, without any one customer being able to detect the fraud in his own case. *The cheating baker may point a parable as the Unjust Steward has done.* Where there is only the ordinary parish routine, but where the preaching is honest and sound, *let a gradual change be brought in.* A choral service, so far as Psalms and Canticles are concerned, on some week-day evening, will train people to like a more ornate worship, and that which began as an occasional luxury, will soon be felt a regular want. Where there is monthly communion, let it be fortnightly; where it is fortnightly, let it be weekly; where it is weekly, let a Thursday office be added. Where all this is already existing, candlesticks with unlighted candles may be introduced. Where these are already found, they might be lighted at Evensong. Where so much is attained, the step to lighting them for the Eucharistic Office is not a long one. Where the black gown is in use in the pulpit on Sundays, let it disappear in the week. The surplice will soon be preferred, and will oust its rival. It is easy for each reader to see how some advance, all in the same direction, can be made, and that without any offence taken. Only two things should be most carefully observed as a rule. First of all, nothing should be introduced without a plain and frank statement to the people. Secondly, the *innovations ought to be confined at first, to extra services, put on for this very purpose."—Leading article from the* Church Times, *the acknowledged organ of the Ritualists.—March* 30, 1867.

We now see what the Romanizers are avowedly aiming at—Submission to Rome, and what their plan of operation. If, after this open declaration of a dishonest, jesuitical, and unprincipled design to Romanize our Church, Englishmen allow their blood bought liberties to be taken from them, either from apathy or empty confidence, they will deserve to lose them.

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136th Thousand.]

No. CXXVI.

Prayers for the Dead.

Extract from Homily XIX, Third Part.

Now to entreat of that question, whether we ought to pray for them that are departed out of this world, or no. Wherein, if we will cleave only unto the word of God, then must we needs grant, that we have no commandment so to do. For the Scripture doth acknowledge but two places after this life: the one proper to the elect and blessed of God, the other to the reprobate and damned souls; as may be well gathered by the parable of Lazarus and the rich man (Luke xvi. 19—26); which place St. Augustine expounding saith in this wise, "That which Abraham speaketh unto the rich man in Luke's gospel, namely, that the just cannot go into those places where the wicked are tormented; what other things doth it signify, but only this, that the just, by reason of God's judgment, which may not be revoked, can shew no deed of mercy in helping them which after this life are cast into prison, until they pay the uttermost farthing?" These words, as they confound the opinion of helping the dead by prayer, so they do clean confute and take away the vain error of purgatory, which is grounded upon this saying of the gospel, *Thou shalt not depart hence, until thou hast paid the uttermost farthing* [Matt. v. 26]. Now doth St. Augustine say, that those men which are cast into prison after this life, on that condition may in no wise be holpen, though we would help them never so much. And why? Because the sentence is unchangeable, and cannot be revoked again. Therefore let us not deceive ourselves, thinking that we may either help other, or other may help by their good and charitable prayers in time to come. For, as the Preacher saith, *When the tree falleth, whether it be toward the south or toward the north, in what place soever the tree falleth, there it lieth* (Eccles. xi. 3); meaning thereby, that every mortal man dieth either in the state of salvation or damnation, according as the words of the evangelist John do also plainly import, saying, *He that believeth on the Son of God hath eternal life; but he that believeth not on the Son shall never see life, but the wrath of God abideth upon him* (John iii. 36). Where is then the third place, which they call purgatory? Or where shall our prayers help and profit the dead? St. Augustine doth only acknowledge "two places" after this life, heaven and hell. As for the third place, he doth plainly deny that there is any such to be found in all Scripture. Chrysostom likewise is of this mind, that "unless we wash away our sins in this present world, we shall find no comfort afterward." And St. Cyprian saith, that, after death, "repentance and sorrow of pain shall be without fruit; weeping also shall be in vain, and prayer be to no purpose." Therefore he counselleth all men to make provision for themselves while they may, because, "when they are once departed out of this life, there is no place for repentance, nor yet for satisfaction."

Let these and such other places be sufficient to take away the gross error of purgatory out of our heads; neither let us dream any more, that the souls of the dead are anything at all holpen by our prayers; but as the Scripture teacheth us, let us think that the soul of man passing out of the body, goeth straightways either to heaven, or else to hell, whereof the one needeth no prayer, and the other is without redemption. The only purgatory, wherein we must trust to be saved is the death and blood of Christ; which we apprehend with a true and stedfast faith it purgeth and cleanseth us from all our sins, even as well as if he were now hanging upon the cross. *The blood of Christ*, saith St. John, *hath cleansed us from all sin* (1 John i. 7). *The blood of Christ*, saith St. Paul, *hath purged our consciences from dead works, to serve the living God* (Heb. ix. 14). Also in another place he saith, *We be sanctified and made holy by the offering up of the body of Jesus Christ, done once for all.* Yea, he addeth more, saying, *With the one oblation of his blessed body and precious blood, he hath made perfect for ever and ever all them that are sanctified* (Heb. x. 10. 14). This then is that purgatory, wherein all Christian men put their whole trust and confidence, nothing doubting, if they truly repent them of their sins and die in perfect faith, that then they shall forthwith pass from death to life. If this kind of purgation will not serve them, let them never hope to be released by other men's prayers, though they should continue therein until the world's end. He that cannot be saved by faith in Christ's blood, how shall he look to be delivered by man's intercessions? Hath God more respect to man on earth, than he has to Christ in heaven? *If any man sin*, saith St. John, *we have an Advocate with the Father even Jesus Christ the righteous, and he is the propitiation for our sins* (1 John ii. 1, 2). But we must take heed that we call upon this Advocate while we have space given us in this life, lest when we are once dead, there be no hope of salvation left unto us. For as every man sleepeth with his own cause, so every man shall rise again with his own cause. And look in what state he dieth, in the same state he shall be also judged, whether it be to salvation or damnation. Let us not therefore dream either of purgatory, or of prayer for the souls of them that be dead: but let us urgently and diligently pray for them which are expressly commanded in Holy Scripture, namely, for kings and rulers, for ministers of God's holy word and sacraments, for the saints of this world, otherwise called the faithful: to be short, for all men living, be they never so great enemies to God and his people, as Jews, Turks, pagans, heretics, infidels, &c. Then shall we truly fulfil the commandment of God in that behalf, and plainly declare ourselves to be *the true children of our heavenly Father, who suffereth the sun to shine upon the good and the bad, and the rain to fall upon the just and the unjust* [Matt. v. 45]. For which, and all other benefits most abundantly bestowed upon mankind from the beginning, let us give Him hearty thanks, as we are most bound, and praise his name for ever and ever. *Amen.*

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No. CXXVII.

Confession.

Dr. Magee, the present Bishop of Peterborough, on Confession to a Priest.

"I WILL take it for granted that the Confessors are men of superhuman sanctity, and that they will go into the Confessional, and afterwards leave it, as pure as angels; still *the result on the penitent must necessarily be deadly.* He must lay bare his secret soul before the priest, who must ask him questions according to his suspicions of any concealed sin. He professes to put the questions prudently and cautiously, certainly, but what if he *mistakes*, and the thing has never entered the mind of the penitent, is it not clear that *the priest has taught him a new sin, and impressed on his mind stains of vice which he never may efface?* . . I maintain, that taking God's place without God's attributes, it is impossible, however prudent the priest may be, to avoid *instilling vice by the Confessional.* God has not given to him His attribute of searching hearts; how then can he see where in the heart of his penitent purity and impurity, knowledge and ignorance meet so as to be quite certain that his questions teach no new sin. He must question according to his suspicions: but from whence does he obtain his suspicions? From his knowledge of the most abandoned of the inhabitants of his parish. His questions to young children are founded upon the impurity that he might have heard of from such persons: and more than that, he has to consult the volumes of the Romish casuists . . in which confessor after confessor has recorded his experience, until they form together *a museum of spiritual iniquity at which fiends may shudder and blush; where murderers may learn cruelty; where hoary-headed convicts may be taught fraud; and satyrs impurity.* .

"Now look at the consequences of this system: There comes to the knees of that confessor a female child of tender age. She repeats to him such things as she knows to be sin. He questions her. Running over in his mind all this *infernal catechism of iniquity*, he must prudently, cautiously, and carefully select a question, and put it. This poor usurper of God's privileges and powers may well tremble as he asks that question, *lest he should insinuate vice into that young heart and conscience.* For we read in a book written by the author

of conscience, that there was One who took little children in his arms and blessed them, who denounced woe against him by whom one of those little ones should perish. It would be better for that man that a mill-stone were hanged about his neck, and he thrown into the depths of the sea.

"I denounce the system as an outrage on decency and common sense, as well as on God's word, which allows an innocent child to have her feelings lacerated, her conscience defiled by coarse hands that have been dabbling in all conceivable filth.

"This is not a matter in which the confessor merely is involved. It is a matter of indifference whether those abominable questions be put with the reluctant horror of a saint, or with the prurient curiosity of a sinner. The effects upon the miserable victim are the same. . . . .

"But this is not all. The confessor leaves the confessional something more than a confessor—he leaves it also a director. Now that is a phrase that is merely Romish as yet: but it means that the person to whom you confess all your sins becomes your master. Not a man in this hall can come to my room and confess all his sins to me, and the next morning look me in the face an independent man. Knowing every one of his weaknesses, propensities, passions, or crimes, I can move that man, having the strings of his nature in my hands, as a child moves a puppet. The confessor becomes immediately master of the conscience of the penitent. He can no more have his own conscience with a director, than he can be his own lawyer, or his own doctor. That man's conscience will be either callously torpid, leaving everything to the confessor, or morbidly sensitive. It will be like a watch having its regulator so constantly tampered with, that it can never go well out of the watchmaker's hands. He will no more have the manly, upright, sensitive, powerful, ruling conscience, 'purged from dead works to serve the living God,' which distinguishes the Christian man in a free Christian country. The priest will not only be your director under such circumstances but the director of your wives and of your daughters and your servants. Your households will be absolutely in his possession, and he who attempts to resist the director will soon find himself surrounded by a network of domestic influences, the potency of which you all know. There will be an estrangement of the affection of your wives, disobedience on the part of your children, insults from those who are bound to honour and serve you, until you again submit to the man who sets himself up as a spiritual tyrant."

Extract from a speech on "*Auricular Confession in the Church of England.* By the Rev. W. C. Magee; now Lord Bishop of Peterborough. Seeley, London, 1852."

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UTTERANCES OF THE EPISCOPAL BENCH ON CONFESSION.

The ARCHBISHOPS OF CANTERBURY AND YORK.—"We believe that through the system of the Confessional, great evil has been wrought in the Church of Rome, and that our Reformers acted wisely in allowing it no place in our Reformed Church, and we take this opportunity of expressing our entire disapproval of any such innovation, and our firm determination to do all in our power to discourage it."—*Extract from Reply dated June* 16, 1873, *to the Memorial signed by upwards of* 60,000 *lay members of the Church of England.*

ARCHBISHOP OF CANTERBURY (Dr. Tait.)—"It was early in my Episcopate that a case was brought before me where a curate had committed himself in my judgment in this matter of confession, and I was obliged to cancel his licence and remove him from the position which he occupied because of an indiscreet use of this system of which we are speaking. . . . . I agree with what the Bishop of Lichfield has said, that if any young man in a curacy, whether appointed by myself, or not, were to fall into similar objectionable practices in the matter of confession, I should think it my duty to revoke his licence as I did in the case I have referred to. . . . Where we find that either a young man, or an old man, has transgressed the limits of propriety, and has introduced that which is alien to the Church of England, we are bound to exercise whatever authority we possess, in order to curb the evil which is thus likely to spring up. It has been said truly that this is an evil amongst young women who have a sort of craving for some person who shall be their guide in these matters. The Bishop of Oxford has stated that in the case of young men he has known good done in this matter, but I question whether a great deal of harm has not also been done among young men. I should very much like to know whether a sort of spurious religionism is not substituted in the place of a manly true Christianity in many cases even amongst young men; and I can conceive it quite possible that even undergraduates in a University may be induced to frequent confession without any real amendment in their lives, and thereby merely to substitute a sort of outside repentance for that real and deep repentance which would lead them in a manful way, as before their Lord and Master, to change their lives. And besides the cases of young men and young women, what appears to me to be almost worse than all, is the introduction of any such system of auricular confession amongst children. Now I am quite aware that there are schools in which this system is introduced, and anything more dangerous I cannot conceive than that these children are to be set up to think of offences to confess to their schoolmaster, and in many cases, I believe, to invent offences for the sake of having something to say. This is altogether unworthy of the office of a minister of Christ's Gospel."—*Extract from Guardian, report of debate in Convocation, on May 9th,* 1873.

BISHOP OF WINCHESTER (Dr. Wilberforce).—"Unfortunately, I have found some very earnest young men in my own diocese, who have taught what I consider a great error—namely, that no man can lead the highest Christian life unless he is in the habitual practice of confession. This I hold to be a most mischievous doctrine, one entirely alien to the whole spirit of the Church of England, and clearly to be justified only by treating confession as a part of a Sacrament of Penance, and generally necessary to salvation, whilst I, for one, and I believe every one of my right reverend brethren, utterly deprecate such teaching."—*Ibid.*

BISHOP OF LONDON (Dr. Jackson).—"This term confession, as habitually used, is used in two different senses. It is confession when a burdened soul goes to a minister of the Gospel or to a layman, or when we tell our sins one to another, as St. James says. It is confession, then, when a burdened soul tells its sorrows to its fellow-Christians, or to its minister whom God has placed over it, or to some other discreet minister of the Word of God; but confession, as it is spoken of in the

document which we have before us, and which we meet with constantly in the public prints, is a system of going to a priest from time to time, or at definite intervals, always before, or frequently before, the reception of Holy Communion, as a means not of quieting the conscience under special circumstances, but as the ordinary means of obtaining strength to lead a godly life. That that kind of confession springs from a real want I should be loth to admit. It may be the want of a diseased spiritual life . . . . . I believe myself that that want arises from a morbid state, which requires not to be encouraged, but to be sternly, though kindly, repressed, and, by God's help, cured."—*Ibid.*

BISHOP OF GLOUCESTER AND BRISTOL (Dr. Ellicott).—"It would seem, I venture to think, perfectly clear, that the Church of England regards confession as exceptional; that there are certain cases—namely, those in which minds are seriously disturbed before receiving Holy Communion, or when a man stretched on what he thinks may be his death-bed, in which, as being exceptional circumstances, the Church of England distinctly sanctions Confession. I would gladly avoid the use of hard words; but rather say on the one hand that the Church of England does clearly recognize confession under those exceptional circumstances, but on the other hand, speaking singly for myself, I would record the opinion that she recognizes it in no other way."—*Ibid.*

BISHOP OF ELY (Dr. Browne).—"I do not believe that either in the primitive or the mediæval Church, in the present Roman Church, or in the Eastern Church, or in any body of Christians in the world, a person would be at liberty to set himself up as a general confessor without any authority but his own. It seems to me, therefore, if that be a correct interpretation of our rubric and services, that we are really in a condition of greater disorder than any other Church or body of Christians in the world. My own impression is however, that that is not the law of the Church. . . . . I would say, what it is very painful for me to say, that I know of many instances of persons extremely ill qualified to act as confessors, being chosen by certain persons, or having propounded themselves as confessors. That fact I am cog nisant of, and I imagine that your Lordships are all cognisant of it also in your own spheres of knowledge. I am sorry to say that I have been cognisant personally of two or three most grievous results that I can only allude to in a general form through young women having chosen young men, by their own free choice, as their confessors, and believing that to be the case—indeed, there is no secret about it, and I may say that I know it to be the case—I am sorry to say that I believe it is the duty of us, as the fathers and guardians of the Church, to do anything which lies in us, not to hinder the proper unburdening of burdened consciences, but to prevent the spread of what is not only threatened but actually in existence in the Church."—*Ibid.*

BISHOP OF LICHFIELD (Dr. Selwyn).—"At the time of ordination, when we admit young men into Christ's Church, it is our duty to state to them the commission we have given them. I have repeatedly said that I do not believe the Church gives any commission to young men to assist in any way in habitual confession. A young man little knows his own heart, and he little knows his own weakness, if he rushes into such a task. 'Fools rush in where angels fear to tread.' If I thought I was entrusting to every one of these young men whom I ordained the function of administering the use of habitual confession, I would rather resign my office of Bishop than do it, considering how solemn and important the function is. . . . . If I found a young man transgressing the limits laid down with regard to confession in the Prayer-book, I should feel quite justified in revoking his licence, he having accepted his commission at my hands."—*Ibid.*

BISHOP OF BATH AND WELLS (Lord Arthur Hervey).—"It is notorious that there are those in the Church at the present day who have deliberately and avowedly undertaken the task of revolutionizing the Church of England as to her doctrine and her ritual, and of effecting her reunion with the Church of Rome. There is scarcely a single doctrine of that corrupt communion which it has not been attempted of late to bring back among us. The invocation and worship of the Virgin Mary, and prayers for her intercession; auricular confession and priestly absolution; penance, purgatory, and so on, not one of which was taught or practised in the ante-Nicene Church. And, together with these, have been introduced a whole host of practices of a minor kind, all savouring of Romanism,

and intended to familiarize the Anglican worshipper with Roman ways. Another method largely used for familiarizing the English Churchman's mind with Roman Catholic doctrine, is the introduction and recommendation on a large scale of Roman Catholic books of devotion, and especially books connected with Confession, and with the (so-called) sacrifice of the altar. The mind is thus familiarized with the teaching of Liguori and Ignatius Loyola, and with breviaries and missals, and alienated from the language of the Anglican Prayer Book and the doctrines of the Anglican Church.

"All this, together with the tone used by certain writers, and the endeavour to hoot down those who resist the attempt to Romanize the Church of England, as if they were not true Churchmen, but ignorant, uncatholic dissenters, convinces me that there is a deliberate conspiracy on foot somewhere to bring back the Church of England to communion with, and obedience to the Pope of Rome."—*Extract from Charge*, 1873.

BISHOP OF MANCHESTER (Dr. Fraser).—"To what extent attempts are made to introduce amongst us the Romish doctrine and practice of the confessional I have no means of knowing; but I do not believe that these attempts, so contrary to the temper of the English mind, are likely to succeed any better than the former. Sorry as I should be to restrain the permission now given in the Prayer Book to any one unable to quiet his own conscience, to 'come to some discreet and learned minister of God's Word, and open his grief,' a permission which, in one form or other, is given and used in almost all religious bodies, and by men of the most divergent types of thought, I have always regarded, and still regard, the practice of habitual compulsory confession as most demoralizing to the individual conscience, and (as all history proves) fruitful of the most mischievous consequences to both priest and penitent, and to society at large; and there is nothing that I should more profoundly deplore, as a taint likely to vitiate the whole social atmosphere in which we live, than the naturalization of any such system in the Church of England. . . . . And though I have no right to speak in any other name than my own, I may at least say that such 'erroneous,' and, as I deem them mischievous 'practices,' will receive neither sympathy nor encouragement from me."—*Letter in acknowledgment of Resolution passed at a Public Meeting held at Birmingham in July*, 1873.

BISHOP OF WORCESTER (Dr. Philpott).—"I concur with the meeting in viewing with sorrow and disapprobation the petition lately presented to the Upper House of Convocation by 483 clergymen of the Church of England.

"Inasmuch as the petitioners pray that provision may be made for such changes in the order for the administration of Holy Communion as may bring the service into closer accordance with the ancient Liturgy of the Church of England, and particularly with the service contained in the first Prayer Book of King Edward VI., for the reservation of the blessed Eucharist, for the use of unction with consecrated oil in holy baptism and confirmation, as well as in the visitation of the sick; for the education, selection, and licensing of duly qualified confessors, and for other things of a like tendency which our Church and realm have deliberately laid aside. I cannot but agree also with the meeting in regarding the petition as an attempt to undo the great work of the Reformation, and bring the Church of England into reunion with the Church of Rome."—*Reply to Resolution passed at a Public Meeting held at Birmingham in July*, 1873.

BISHOP OF LINCOLN (Dr. Wordsworth).—"The Church of England, grounding her doctrine on Holy Scripture, teaches that it appertains to Almighty God, and to Him alone, to forgive sins. (Commination Service.)

"The Church of England teaches that it is repugnant to Holy Scripture, and to the doctrine and practice of the ancient Catholic Church, to affirm that it is necessary for men to confess their sins privately to a priest, in order to obtain pardon from God.

"The office of a Penitentiary, for the reception of private confessions, existed in ancient Churches; but the confessions which he received were voluntary, and were not exacted of any one; and the abolition of that office in the Eastern Church in the fourth century is a proof that private confession was not then deemed to be obligatory, and that in some cases it had been found to be hurtful. (See Bingham, xviii. 3, and his two Sermons and Letter on Absolution; Works, viii. 409-457.)

"The divines of the Church of England have proved that the doctrine of the

Church of Rome, that private, or auricular, confession to a priest is necessary, was not generally received in the twelfth century (see Gratian, dist. i. de Pœnitentia, c. 79), and was first imposed as an article of faith in the year 1215, at the Fourth Council of Lateran (Canon 21 ; see Labbé, Council, tom. xi. p. 172.)

"The Church of England rejects the terms 'Sacramental Penance' and 'Sacramental Confession.' She affirms, in her Twenty-fifth Article, that 'Penance is not to be accounted a Sacrament of the Gospel.' And her divines have shown that the doctrine of the so-called Sacrament of Penance, as taught by the Church of Rome, is beset with contradictions, inasmuch as there is no consistency in her teaching as to what constitutes the form of the said Sacrament and in what its matter consists (Hooker, VI, iv. 3, cp. Chemnit. Examen Concil. Trid. de Pœnit. c. iii.), and inasmuch as that Church makes satisfaction to be a part of the Sacrament of Penance (Concil. Trident. Sess. xiv. 3), and yet separates satisfaction from it, by pronouncing Absolution first, and by imposing works of satisfaction to be done afterwards ; which is repugnant to the teaching of Scripture, and to the doctrine and practice of the primitive Church."—*Extract from the Bishop's Speech at a Meeting of Archdeacons and Rural Deans of the Diocese of Lincoln.*

CONVOCATION ON CONFESSION.

The following report of the Committee of the Upper House of Convocation of the Province of Canterbury, being a Committee of the whole House, appointed on the 9th of May last, to consider and report on the teaching of the Church of England on the subject of Confession was yesterday laid on the table by his Grace the Archbishop:—

"In the matter of Confession, the Church of England holds fast those principles which are set forth in Holy Scripture, which were professed by the Primitive Church, and which were re-affirmed at the English Reformation. The Church of England, in the 25th Article, affirms that penance is not to be counted for a Sacrament of the Gospel ; and, as judged by her formularies, knows no such words as 'sacramental confession.' Grounding her doctrines on Holy Scripture, she distinctly declares the full and entire forgiveness of sins, through the blood of Jesus Christ, to those who bewail their own sinfulness, confess themselves to Almighty God, with full purpose of amendment of life, and turn with true faith unto Him. It is the desire of the Church that by this way and means all her children should find peace. In this spirit the forms of Confession and Absolution are set forth in her public services. Yet, for the relief of the troubled consciences, she has made special provision in two exceptional cases.

"(1.) In the case of those who cannot quiet their own consciences previous to receiving the Holy Communion, but require further comfort or counsel, the minister is directed to say, 'Let him come to me, or to some other discreet and learned minister of God's word, and open his grief, that by the ministry of God's Holy Word he may receive the benefit of absolution, together with ghostly counsel and advice.' Nevertheless, it is to be noted that for such a case no form of absolution has been prescribed in the Book of Common Prayer ; and further, the Rubric in the first Prayer Book of 1549, which sanctions a particular form of Absolution, has been withdrawn from all subsequent editions of the said Book.

"(2.) In the order of the Visitation of the Sick, it is directed that the sick man may be moved to make a special confession of his sins if he feel his conscience troubled with any weighty matter, but in such case absolution is to be given when the sick man shall humbly and heartily desire it. The special provision, however, does not authorize the ministers of the Church to require from any who may repair to them to open their grief in a particular or detailed examination of all their sins, or to require private confession as a condition previous to receiving the Holy Communion, or to enjoin or even encourage any practice of habitual confession to a priest, or to teach that such practice of habitual confession, or the being subject to what has been termed the direction of a priest, is a condition of attaining to the highest spiritual life."—*Times*, July 24th, 1873.

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27th Thousaad.]

GOWN v. SURPLICE.

The Council of the Church Association having had under their consideration numerous letters from their friends requesting information as to the effect of the Judgment in the Purchas case on the practice of wearing the black gown in preaching, they desire to call attention to the fact, that the question of the Vestment to be worn in Preaching was not included in the Articles against Mr. Purchas, and consequently it was neither argued nor determined in that case.

Under these circumstances, it is the decided opinion of the Council of the Church Association that all Clergymen are fully justified in continuing the established usage, unless it shall hereafter be decided to be illegal by the Court of Final Appeal.

Church Association Monthly Intelligencer, April 1, 1871, *p.* 43.

The same remark applies to the Ridsdale Judgment.

The Bishop of Worcester has addressed the following letter to one of the clergy of the diocese:—

"Hartlebury, Kidderminster, March 13, 1871.

"My dear ——, —It is clear to me that the recent judgment of the Court of Privy Council has not in any way affected the question of the use of the academical gown in preaching.

"The Rubric, prefixed to our Book of Common Prayer, directs that such ornaments of the Church and of the ministers thereof, at all times of their ministration, shall be retained and be in use as were in this Church of England by the authority of Parliament in the second year of the reign of King Edward the Sixth.

"The Court of Privy Council decided in 1857 ('Liddell *v.* Westerton') that the authority of Parliament here mentioned is that which established the first Prayer Book of King Edward the Sixth, and that the ornaments to be used now are those which were prescribed by that book.

"In their recent judgment ('Hebbert *v.* Purchas') the Court have expressed their opinion that the Act of Uniformity which established the Rubric is to be construed with the canons of 1608, on the subject of the dress of ministers; and they have decided accordingly that Mr. Purchas offended against the laws ecclesiastical in wearing the chasuble, alb, and tunic (prescribed by the Prayer Book of 1540 for the service of the Holy Communion), the canons having directed that the minister should wear a surplice.

"Now the canon, No. 58, which regulates the dress of ministers in parish churches, directs that 'every minister saying the public prayers, or ministering the sacraments or other rites of the Church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish.'

"In the Rubrics of the Prayer Book of 1549, particular vestures are appointed for the ministration of the Holy Communion, viz. 'a white alb, plain, with a vestment or cope' for the principal minister, and 'albes with tunics' for the priests or deacons who help him in the service. It is also directed that in the saying or singing of matins and evensong, baptizing and burying, the minister in parish churches and chapels annexed to the same shall use a surplice.

The significant direction is added, 'It is also seemly that graduates, when they do preach, should use such hoods as pertaineth to their several degrees.'

"In neither of the two authorities to which we are referred for the dress of ministers is any direction to be found for the dress of the preacher, other than he should wear the hood of his degree, if a graduate.

"In the absence of any positive directions we seem obliged to gather such information on the subject as we can from historical notices. I apprehend that 'contemporaneous and continuous usage' (to which the Court of Privy Council justly attributes great efficacy in law) may be alleged as simply sufficient, at least to justify the use of the academical gown in preaching.

"I may mention one such notice, by way of example, which is to be found in Strype's Annals of the Reformation, c. 29. He mentions a petition presented to Convocation, in 1562, by thirty-two members of the Lower House (the Prolocutor, Dr. Nowel, Dean of St. Paul's, four other cathedral deans, the Provost of Eton, twelve archdeacons, and fourteen proctors for the clergy), in which they prayed, among other things, that the use of copes and surplices may be taken away, so that all ministers, in their ministry, use a grave, comely, and side garment, as commonly as they do in preaching.

"A careful review of the information which I have been able to gather upon the subject leads me to think that, from the time of the Reformation downwards, our Church has deliberately left the question of the dress of the preacher open, with a wise regard to unavoidable differences of opinion, and to the feeling which would be excited, without sufficient cause, by any precise and definite legislation on the subject.

"I do not think it right to recommend any uniformity of practice in this respect for the diocese of Worcester.

"Yours very faithfully,

"H. WORCESTER."

Extract from the Fourth Report of the Proceedings of the Royal Commission on Ritual.—*Page* 66.

THIRTEENTH MEETING, Monday, July 29, 1867.

THE ARCHBISHOP OF CANTERBURY IN THE CHAIR.

The following resolution was proposed by the EARL OF HARROWBY, and carried unanimously:—

"That, therefore, it is expedient that the Surplice, together with "a Stole or Scarf; and in the case of graduates, an Academic Hood, "be the vestment which Priests and Deacons of the United Church "of England and Ireland shall use in their public ministrations."

The following resolution was proposed by the BISHOP OF OXFORD,* and carried unanimously:—

"That the Surplice or Gown, as now worn in preaching, be still "used."

* Bishop Wilberforce.

The following letter appeared in the *Record* of 7th July :—

Sir,—Kindly suffer me to point out to the Rev. W. C. Moore, whose letter in your impression of the 23rd inst., has only to-day caught my eye, that he raises a preliminary issue of even greater moment than that of Gown *v.* Surplice. For if his views of the limits and extent of the oath of canonical obedience be correct, it follows that every beneficed clergyman is in conscience bound to carry out every whim and private wish of his Bishop, provided only that it be not unlawful.

That I may not misrepresent Mr. Moore, allow me to recall his words. He writes :—

"Now, having just promised to obey my diocesan 'in all things lawful,' since I am not sure his request about the surplice involves anything unlawful, I feel conscientiously obliged to comply with his request."

Here it at once becomes apparent that your correspondent has, to his own mind, entirely altered the terms of the oath, and substituted the words, "in all things not unlawful," for those by which alone he is really bound. Let us look at the formula in its entirety :—

"I, A. B., do swear that I will perform true and canonical obedience to the Bishop of W. and his successors in all things lawful and honest; so help me God."

If Mr. Moore's interpretation were the true one, let me ask him would there be ten honest incumbents at this hour in the Church of England, and would not those ten be slaves? But, in fact, the word "lawful" here means "such as the Bishop can by law require me to obey," and nothing more. This is placed beyond doubt by the express judgment of the Judicial Committee of the Privy Council in the recent case of Long *v.* the Bishop of Capetown, the words of which I quote,—"The oath of canonical obedience does not mean that the clergyman will obey all the commands of the Bishop against which there is no law, but that he will obey all such commands as the Bishop by law is authorized to impose." The distinction, it will be at once seen, is one of the very largest character, and affects the liberties, the comfort, and the conscience of every incumbent in the land. Remembering what obedience alone it is that beneficed clergy promise to their diocesan, I have long desired, not merely as a matter of good taste, but on moral considerations, that our Bishops would be more slow to lay their "earnest requests" upon their clergy, whether in charges or private interviews. These requests beyond what the Bishop "by law is authorized to impose" in practice become "commands," and, as such, snares to conscientious minds, not quite clear as to the import of "canonical obedience." A notable instance of this occurred a few years ago, when the Bishop of Winchester, then of Oxford, desired his clergy to read out in church on a Sunday the findings of the so-called Pan-Anglican Synod. Some of his Lordship's clergy, very ill-at-ease, because of their promise of canonical obedience, consulted me on the occasion, to whom I was able to point out how the whole of his pastoral letter was simply unauthorized and void. In that case, indeed, the request was for

the commission of an illegal act, distinctly forbidden by the rubric after the Nicene Creed.

In Mr. Moore's case, the Act, so earnestly requested by his Bishop, may or may not be illegal. The legality or illegality of the surplice as a preaching dress in ordinary churches does not enter into the question of obedience to the Bishop—as I have demonstrated—just because it is not by law "imposed." To my own mind, and (so far as I can judge) to the great mass of the laity, the question of gown or surplice in the pulpit stands thus:—It is perfectly certain that the black gown is a legal preaching dress. I never yet met with a lawyer, worthy of the name, who had any doubt on that head. The unbroken usage of 300 years, apart from other legal considerations, is conclusive on this point. It may well be, though this is open to grave doubt, and cannot be asserted without the decision of a competent tribunal, that it is also legal to preach in a surplice. In this state of things—one dress being confessedly and assuredly legal, the other being (at the very most) possibly legal—these practical questions arise: Ought a Bishop to use pressure to circumscribe the liberty of his clergy, plainly secured to them by the law, in this matter? And ought Evangelical clergymen gratuitously to surrender their liberty and to yield to Episcopal pressure herein? The law being clear on the side of the black gown, I hold that the clergyman is, on all moral grounds, bound to consider, not his diocesan's private likings or earnest requests, but the general good of his people, of the Church, and of Christ's cause. As often as an Evangelical clergyman lays aside the time-honoured preaching dress and adopts the surplice, by doing so he unjustly reflects upon the practice of the Reformers, and of all his predecessors in the ministry during 300 years—he rebukes his fathers and brethren in the Gospel who still stand by the academical dress, and he puts it out of the power of a very large number (the great majority) of the oldest and therefore best of the Evangelical clergy ever to occupy his pulpit. He does more. He shakes the confidence of not a few of the most spiritually-minded in his congregation, and eventually alienates and loses them. The Bishop may speak of the surplice as a thing "indifferent." Why, then, the earnestness with which he requests its adoption? The clergyman—when he first enters the pulpit, habited in white—may speak of it as a thing "indifferent." But many of the laity know too well how the Ritualists are demanding it as a thing not indifferent, and their consciences are wounded, and the cause of Christ suffers.

I am, Sir, your faithful servant,

A LAWYER.

June 25, 1873.

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29th Thousand.]

No. CXXX.

CHURCH ASSOCIATION.

Form of Prayer,

USED AT THE OPENING OF THE CONFERENCE OF THE CHURCH ASSOCIATION, HELD IN WILLIS' ROOMS, ON 26TH NOVEMBER, 1867,

And considered by the Council suitable for Private Prayer, Family Worship, and any Meetings for those who are specially interested in the Society's work.

ALMIGHTY GOD, Heavenly Father, we desire to come into Thy presence as contrite sinners pleading the all-sufficient sacrifice, and all prevailing merits, of our Divine Redeemer. We would humble ourselves before Thee for our manifold transgressions and shortcomings. We justly merit Thy correcting hand. Our privileges are great and our responsibility is great. We have not rendered again according to the kindness bestowed upon us. We have been permitted through Thy gracious Providence, now for three centuries, to enjoy as a Church the inestimable privilege of religious liberty and to possess in our own tongue Thine inspired Word. Thou hast been pleased oftentimes to grant an abundant blessing to the labours of Thy faithful ministers among us at home and abroad, and hast made our Protestant nation a centre of light to the world. And now, Lord, what shall we say? We are ashamed to lift up our faces before Thee. Fatal errors are propagated in our midst which threaten the existence of our Reformed Church. False brethren have crept in among us, who are setting at defiance her recognised doctrines and would bring us again under the yoke of spiritual bondage. Our eyes are turned unto Thee. We desire to commit our cause into Thy hand. Thy dealings in former ages encourage us to hope. O God, we have heard with our ears, and our fathers have declared unto us, the noble works that Thou didst in their days and in the old time before them. And is Thine arm shortened that it cannot save? Is Thine ear heavy that it cannot hear? Wilt Thou refrain Thyself for these things, O Lord? O that Thou wouldst rend the heavens, that Thou wouldst come down, and make bare Thine arm in behalf of Thy faithful servants. Stir up among us, we pray Thee, the Spirit of Grace and of supplication. Bless the means which are now adopted for the exposure of error. Grant Thy blessings to the counsels of the Church Association, that it may maintain the Truth among us.

May we have a single eye to Thy glory. May no party feelings mar our work. But may we be actuated by a simple desire to honour Christ, and to maintain those blessed truths for which our martyred Reformers yielded up their lives. To this end, graciously grant unanimity in our counsels. May our common dangers bind us together as one man in defence of the Gospel. The enemy, Lord, is bold and daring, but Thy power is all-sufficient to restrain. To Thee we commit our cause. And now, Lord, behold their threatenings, and grant unto Thy servants that with all boldness they may speak Thy word. Grant renewed energy to our faithful pastors. Deepen the impression among us of the vast interests at stake, of the perils which would follow the withdrawal of Thy Spirit. Let us prize more and more the simplicity of the Gospel, and be sensible of the danger of external pomp and ceremony in our worship, where spiritual life is wanting. May our faith ever rest on the one full, perfect, and sufficient sacrifice offered upon Calvary, never to be repeated. Quicken in our souls the life and power of godliness. May there be more zeal, more love, more self-denial, more separation from the world. Give us boldness in the time of peril. Let there be no shrinking from duty, no fear of man, no attempt to compromise, where Thy truth is at stake.

Bless, we humbly pray Thee, our families. Look upon our sons and daughters, exposed as they are to so many temptations, which might cause them to swerve from the simplicity of Protestant truth. Bless our Universities and Schools, and preserve them from the invasion of false doctrine. Bless our beloved Queen. Give wisdom to those who are in authority. Guide the counsels of our leaders, both in Church and State, and raise up faithful men to defend Thy truth. Qualify them for their work, by Thy gifts and graces, and sustain them by Thine Almighty hand. Finally, we pray that this season of anxiety and trial may result in a still fuller extension of the knowledge of Thy Word, that these perils may tend rather to the furtherance of the Gospel. To this end we would earnestly entreat of Thee a large outpouring of Thy Holy Spirit. May our hearts be fixed more singly on the great concerns of eternity, and may a revival of spiritual religion be vouchsafed among us. Awake, O north wind, and come thou south: blow upon our garden that the spices thereof may flow out. All this we ask in the name and through the mediation of our blessed Lord and Saviour, Jesus Christ. Amen.

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No. CXXXII.

LORD HARROWBY

ON

AURICULAR CONFESSION.

The following is the Speech of the Right Hon. the Earl of Harrowby, K.G., on Auricular Confession, delivered at a Meeting held at Bournemouth, in January, 1874.

The Earl of HARROWBY then rose, and after excusing himself for taking a prominent part on the occasion, being only a transient visitor, said: Some years ago it was my lot to preside over the enquiry which was instituted by Royal Commission into the teaching of Maynooth; and having been thus led to look into their books on Confession, I am enabled to confirm the statement of Mr. Bardsley, that between their teaching on this subject, and that inculcated by English Ritualists, there is the smallest possible difference. And I further learned that the Church of Rome itself, in spite of the precautions with which it was obliged to fence round the practice, so fully admitted its dangers, that one of its most esteemed Fathers had said that he hardly knew "whether it saved more souls than it damned."

Mr. Bardsley must have satisfied you that the practice of auricular confession is condemned by our Church, and is not sanctioned by Scripture; but you may ask, when so many of the practices now in vogue among our ritualistic clergy are at variance with the teaching of the Church and the Scriptures, why are you especially called together at this moment to express the opinion of a public meeting upon this one? There are several reasons—1st, it is not a dispute about abstract dogmas, about the interpretation of possibly disputed texts; but it affects directly that which is in fact at the root of our whole system, and the basis of our Reformed Church—the individual responsibility of every man himself to God. It is further, a matter difficult to be affected by law—confession to a priest, any more than to any other man, can hardly be forbidden by law, though it is against the spirit of the Church. It is in its accompaniments, and in the manner in which it is advocated and employed that it is so mischievous, so unchurchlike, so unscriptural. It is to these, then, and its social results, that I would wish to call your attention, in addition to what you have heard already.

Now it is fair to say, that those who advocate auricular confession cannot—they do not (any more than the Roman Catholics)—deny the enormous power which they are claiming for their confessor: and they cannot deny—they do not—

that to exercise it rightly very high qualifications are required. He is to be absolute in his authority, he holds in his hands admission or exclusion; he can enforce what penance he pleases; he can make his own terms. He has, in fact, the infallibility, which startles us when it is claimed by the Bishop of Rome—but which is exercised among us by young gentlemen of twenty-five, after they have made vows of obedience to their Sovereign and their Bishop—vows, which under the advice of other confessors, they have no intention of keeping whenever they do not like to do so.

They do not deny that it is difficult to find all the combined qualifications "of the tenderness and love of a Father" with those of "a Physician of souls," of "a Theologian," "a Judge,"—of a Proficient in ascetic morality, which should enable him to distinguish venial, from mortal, sins, and to assign to each its fitting penance; (for such penance recollect, is inseparable from confession, and thus the doctrine of Purgatory for the one, and Hell for the other, inevitably follows.) How indeed do they describe the necessary qualifications? See "Priest in Absolution," page 2, etc. "He has to direct the consciences of others without erring "on the side of rigour or laxity; he has to probe wounds, without being stained "by them; he has to deal discreetly with women and youths; and to listen to the "recital of the most shameful falls, without deriving any injury therefrom; he "has to use firmness with great people, without yielding to any respect of persons, "and to minister to the ills of the poor, with as great a care as to those of the rich. ". . . As the Priest is the spiritual Father of his people generally, so does "he especially discharge this function, in the ministry of Absolution. No love is "more pure, more honourable, more strong, more unwearied, more disinterested, "more careful, more liberal, more prudent, more patient, than that of a Father. "Such should be the character of the Priest's relations to those who open their "griefs to him." Now either all these qualifications of absolute wisdom and absolute virtue ought to be found in all the 20,000 men, young and old, who are ministering in every district of our country, or, if they are only to be expected in a chosen few, and those few alone are to hear Confession, the blessings of forgiveness of sins are to be confined to those who live within their reach, or who can afford the time and means for coming within it. Is this "ministering with as great a care to the ills of the poor, as of the rich?" And yet this is essential to the theory! Do we find the 20,000 men, young and old, in our several parishes, fit to be entrusted with such an engine? Can we hope to find it? But do we *wish* to find it? For what does it involve? All other Confession, save that to a Priest, is repudiated. To a Parent?

To a Brother? To a Sister? To a Husband? To a Wife? To a Friend? No;—there is no confession that is of value, save that to a Priest. There is no direction for future guidance, of value, save that of a Priest,—or if the advice of one of these natural, trusty, counsellors should not agree with that of the Priest in Confession—which is to be followed? Indeed, the penitent is not to be allowed to consult with any of these advisers as to the counsel of the Priest. No: perfect secresy is to be enjoined on both sides! Is it possible that any man should enter into the holy bonds of matrimony, if he knows that his bride has already acquired the habit of confiding every thought of her mind, every feeling of her heart, to another,—to a stranger? or even if he is in doubt whether such is not to be the case hereafter? She is indeed, for his sake, to leave father and mother, but she is to take with her one, whose authority is more absolute than theirs! Yet this is to be the system to which our people, our very children, are to be trained.

I have a little volume for the use of children, in which they are exhorted, "if they are in the habit of giving way to any fault, to speak to some Priest about it. It is never too early to begin the habit." In another (Confession No. 1), the child is told that it is to the Priest, and to the Priest only, that a child must acknowledge his sins, if he desires that God should forgive him.

Confession is in many cases, I am told, now insisted on as a preliminary to instruction for Confirmation, a rite which our Church generally requires as a preliminary to admission to the Holy Table. Thus actually the Priest refuses admission to the Holy Table itself without confession, absolution, and penance. Does our Church permit such a condition to be imposed as a prelude either to Confirmation or Communion? The whole system is estranged from that of our Church. This is indeed virtually acknowledged by the application of the memorialists themselves; for if the Sacramental Confession had been a part of our Church's system, she would surely long ago have made that provision for the education, selection, and licensing of duly qualified Confessors, which they ask her now for the first time to institute.

But now, in spite of all these apprehensions of mischief from the practice, of proofs that it is no part of our Church's system, and that it is not authorized by the Scriptures, is there any temptation from its results elsewhere, to borrow from the Church of Rome this, or other of its practices—such as the belief in Purgatory, the worship of the Virgin, prayers for the dead, and other superstitions, which are included in the Petition of the Memorialists.

We, Protestant countries, certainly, when tested by the light of the Gospel, with

which we have been so freely favoured, have nothing to boast of. We cannot come forward like Pharisees, and say we are clean. But can the countries which revel in all the supposed advantages of Confession, boast of any such marked superiority? Are their youths more moral? Is the marriage-tie more respected? Is their literature more pure? Are their Clergy more respectable and respected? Are their educated Laity more religious, better citizens, better fathers of families, more patriotic? No! there is no evidence from facts, to justify the introduction of these new practices into our old Church.

In the midst of all the moral disorders which we must admit are pressing upon our great community, outgrowing as it does, all the means that are in use for regulating and moralizing its enormous numbers, it is not surprising indeed, that many ardent spirits should look beyond the limits of the accustomed and recognized agencies, which have hitherto been employed—for something new,—for something untried among us: it is not surprising either that the young, and especially those of the weaker, and more imaginative sex, should, in an age of disputation and doubt, rush with eagerness for refuge, to a system which promises repose from doubt, and effectual assistance to troubled consciences. At this I am not surprised, but I confess I *am* surprised, that after the full discussion which the subject of Confession has received, after its general condemnation by the authorities of the Church, after the unanimous condemnation passed upon it by the Committee of Convocation, consisting of the whole Upper House,—that Clergymen of our Church should feel themselves entitled to persist in this innovation, and to continue to lead their flocks—virtually to force the younger members—into such miserable and dangerous practices, carried on as they are in many cases in secret, not daring to face the day, and leading to a course of deception and evasion, most alien to the character hitherto maintained by the English Clergyman.

Let us hope that these strange delusions may pass away. A Noble Friend of mine in the Upper House, Lord Salisbury, whilst denouncing these practices in the strongest terms, would have us treat them with contempt, as the crotchets of a few enthusiastic and misled men, deprecating all attempts to put them down by legislation.

I admit the difficulty of dealing with them by the law; but this I know, they cannot safely be treated with contempt. The numbers engaged in these practices are too great and too organized, and the practices themselves are so much in harmony with the weakness of our nature, that they can hardly be trusted to die out of themselves. If law, however, cannot reach them, we must look at least to the force of opinion, and to demonstrations such as you have heard this evening, of their inconsistency with the teaching of the Scriptures, and of our Church, and of their dangerous tendency as regards society.

It is not for us to dictate the remedy, but to throw the weight of individual influence, as well as that of such meetings as the present, into the scale of sound reason, and true religion, and to trust to God for the result.

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33rd Thousand.]

No. CXXXIII.

COLLECT TO BE USED

IN THE PRESENT CRISIS

The crisis through which our beloved Church is now passing, ought to suggest to all its faithful members the duty of special prayer that the Lord will interpose for the deliverance. While they are careful to use every human means for its preservation from false doctrine, heresy and schism, their reliance for success must be upon Him who alone can defend it against all its enemies.

Under this conviction and in remembrance of our Lord's promise, that, if two of his disciples should agree on earth as touching anything that they should ask, it should be done for them of their Father who is in heaven, the Council of the Church Association venture to recommend to their fellow-Churchmen the daily use, by themselves, or with their families, of the following or some similar Collect. Thus, not only two, but very many of the Lord's people may agree in prayer, according to his meaning, as effectually as if they were all gathered together at one time in the same place; and it may be confidently expected that God will hear them, and bring the Church unharmed out of all its perils.

COLLECT.

Almighty God, the Father of our Lord Jesus Christ, hear, we beseech thee, for his sake, who is our Great High Priest, the prayer of thy servants on behalf of our reformed Church, which in thy good providence has been established in this land. Thou hast graciously preserved it hitherto, and hast bestowed upon it, notwithstanding its sins against thee, many tokens of thy

loving kindness. Look upon it now, O God, in thy mercy, and bring to nought all the evils, with which it is threatened. Deliver it from all false doctrine, heresy and schism, purify its worship from the admixture of weakness and superstition; and preserve it from being again brought into bondage to human ordinances.

Give unto all its Bishops the spirit of power, and of love, and of a sound mind; that at this season of peril and perplexity they may both perceive and know what things they ought to do and also may have grace and power faithfully to fulfil the same, and grant unto all its Clergy that they may remember their solemn promise to teach the people committed to their charge out of the Scriptures, and enlighten them with the true knowledge and understanding of Thy word, that they may be good ministers of Jesus Christ. Grant also unto all, both of the Clergy and Laity who love the Lord Jesus Christ in sincerity that they may stand fast in one spirit, with one mind, striving together for the faith of the Gospel and supported by the assurance that the Lord reigneth, and will in his own time vindicate his sovereignty, and glorify himself on the earth.

Receive, we pray thee, O Heavenly Father, these petitions which thy servants make in the name of thy well-beloved Son; and do abundantly above all that they can ask, according to the riches of thy mercy in Christ Jesus, who is the Great Head of the Church, and who with Thee, O Father, and with Thee, O Holy Ghost, liveth and reigneth one God, world without end. Amen.

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No. CXXXIV.

CONDEMNATION OF VESTMENTS.

VESTMENTS CONDEMNED IN THE REPORT OF THE ROYAL RITUAL COMMISSION.

"We, your Majesty's Commissioners, have, in accordance with "the terms of your Majesty's Commission, directed our first "attention to the question of the Vestments worn by the Ministers "of the said United Church at the time of their ministration, and "especially to those the use of which has been lately introduced "into certain Churches.

"We find that whilst these Vestments are regarded by some "witnesses as symbolical of Doctrine, and by others as a distinctive "Vesture whereby they desire to do honour to the Holy Communion "as the highest act of Christian Worship, they are by none regarded "as essential, and they give grave offence to many.

"We are of opinion that it is expedient to restrain in the public "Services of the United Church of England and Ireland all varia-"tions in respect of Vesture from that which has long been the "established usage of the said United Church, and we think that "this may be best secured by providing aggrieved parishioners "with an easy and effectual process for complaint and redress."—*Extract from the first Report of the Royal Ritual Commission, dated August 19th*, 1867.

VESTMENTS CONDEMNED BY THE HIGHEST COURT OF APPEAL.

Extracts from the Judgment of the Privy Council in RIDSDALE *v.* CLIFTON, *as delivered by the Lord Chancellor* (*Lord Cairns*), *on May 12th*, 1877.

AS TO THE ORNAMENTS RUBRIC.

THE question of Vestments so far as regards the Albe and Chasuble, decided in the case of Hebbert *v.* Purchas, was allowed to be re-argued before the Lords of the Judicial Committee of the Privy Council on the Appeal of the Reverend C. J. Ridsdale *v.* Clifton and others, from an Order of the Judge as Official Principal of the Arches Court of Canterbury,

in which he followed the previous Judgment. Their Lordships gave Judgment on May 12th, 1877, confirming the decision appealed against. The Lord Chancellor (Cairns) in delivering the Judgment said:—

"The conclusion drawn by this Committee in Hebbert *v.* Purchas, "that the Advertisements of Queen Elizabeth on this subject had "the force of law under 1 Elizabeth, cap. 2, section 25, appears to "their Lordships to be not only warranted, but irresistible. . . .

"Reading, then, as their Lordships consider they were bound to "do, the order as to Vestures in the Book of Advertisements, into "the 25th section of the 1st of Elizabeth, cap. 2, and omitting "(for the sake of brevity) all reference to hoods, it will appear "that that section, from the year 1566 to 1662, had the same "operation in law as if it had been expressed in these words: "'Provided always that such Ornaments of the Church and of the "Ministers thereof shall be retained and be in use as were in this "Church of England by authority of Parliament in the second "year of King Edward VI., except that the surplice shall be used "by the Ministers of the Church at all times of their public "ministrations, and the Alb, Vestment or Tunicle shall not be "used, nor shall a Cope be used except at the administration of "the Holy Communion in Cathedral and Collegiate Churches.'"

Their Lordships, after delivering a very long Judgment, concluded thus:—

"For these reasons, which, out of respect for the elaborate "arguments so earnestly addressed to them, and not from any "hesitation as to the decision at which they should arrive, they "have expressed at a length greater than is usual, are of opinion "that the decision of the learned Judge of the Arches Court as to "the Vestments worn by the Appellant, following that of this "Committee in Hebbert *v.* Purchas, is correct, and ought to be affirmed."—*Official Copy of the Judgment of the Privy Council in Ridsdale v. Clifton*, pp. 18 and 37.

The decision of the Judge of the Arches Court was as follows:—

"I must therefore hold that Mr. Ridsdale has offended against "the law in celebrating the Communion in a Chasuble and in an "Albe, and admonish him to refrain from doing so in future."

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28th Thousand.]

No. CXXXV.

CONDEMNATION

OF THE

EASTWARD POSITION

AT THE

COMMUNION SERVICE.

THE EASTWARD POSITION AT THE COMMUNION SERVICE CONDEMNED BY THE HIGHEST COURT OF APPEAL.

Extracts from the Judgment of the Privy Council in RIDSDALE *v.* CLIFTON, *as delivered by the Lord Chancellor* (*Lord Cairns*), *on May 12th*, 1877:—

"Their Lordships will now proceed to consider the charge against the Appellant with reference to his position during the Prayer of Consecration. . . .

"If it were necessary that there should be extracted from the Rubrics a rule governing the position of the minister throughout the whole Communion office, where no contrary direction is given or necessarily implied, the rule could not, in their Lordships' opinion, be any other than that laid down in Hebbert *v.* Purchas, and they entertain no doubt that the position which would be required by that rule—a position, namely, in which the minister would stand at the north side of the Table, looking to the south—is not only lawful, but is that which would, under ordinary circumstances, enable the minister, with the greatest certainty and convenience, to fulfil the requirements of all the Rubrics.

"Their Lordships are of opinion that the words 'before the people,' coupled with the direction as to the manual acts, are meant to be equivalent to 'in the sight of the people.' They have no doubt that the Rubric requires the manual acts to be so done that, in a reasonable and practical sense, the Communicants, especially if they are conveniently placed for receiving of the Holy Sacrament, as is pre-supposed in the office, may be witnesses of, that is, may see them. What is ordered to be done before the people, when it

is the subject of the sense, not of hearing, but of sight, cannot be done before them unless those of them who are properly placed for that purpose can see it. It was contended that 'before the people' meant nothing more than 'in the church;' to guard against an anterior and secret consecration of the elements. But if the words 'before the people' were absent, the manual acts, and the rest of the service, could not be performed elsewhere than in the church, and in that sense *coram populo*, nor could the Sacrament be distributed except in the place and at the time of its consecration; and the argument would, therefore, reduce to silence the words 'before the people,' which are an emphatic part of the declaration of the purpose for which the preparatory acts are to be done. That declaration applies not to the service as a whole, nor to the consecration of the elements as a whole, but to the manual acts separately and specifically."

"There is, therefore, in the opinion of their Lordships, a rule sufficiently intelligible to be derived from the directions which are contained in the Rubric as to the acts which are to be performed. The minister is to order the elements 'standing before the Table;' words which, whether the Table stands 'altarwise' along the east wall, or in the body of the church or chancel, would be fully satisfied by his standing on the north side and looking towards the south; but which also, in the opinion of their Lordships, as the Tables are now usually, and in their opinion lawfully, placed, authorize him to do those acts standing on the west side and looking towards the east. Beyond this and after this there is no specific direction that, during this prayer, he is to stand on the west side, or that he is to stand on the north side. He must, in the opinion of their Lordships, stand so that he may, in good faith, enable the Communicants present, or the bulk of them, being properly placed, to see, if they wish it, the breaking of the bread, and the performance of the other manual acts mentioned. He must not interpose his body so as intentionally to defeat the object of the Rubric and to prevent this result. It may be difficult in particular cases to say exactly whether this rule has been complied with; but where there is good faith the difficulty ought not to be a serious one; and it is, in the opinion of their Lordships, clear that a protection was in this respect intended to be thrown around the body of the Communicants, which ought to be secured to them by an observance of the plain intent of the Rubric."—*Official copy of the Judgment of the Privy Council in Ridsdale v. Clifton*, pp. 38, 40, 41, 42.

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No. CXXXVI.

THE EASTWARD POSITION.

BY THE REV. CANON J. C. RYLE, *Vicar of Stradbroke.*

The harm of the "Eastward position" consists in this, that it is the outward and visible sign of an unscriptural, mischievous, and soul-injuring doctrine. That doctrine is nothing less than this, that the Lord's Supper is a proper sacrifice,—that the officiating clergyman is a sacrificing priest,—that the communion table is an altar,—and that in the act of consecration some mysterious change takes place in the bread and wine. All this, and nothing less than this, lies at the bottom of the "Eastward position." It is, to speak plainly, a step toward the Romish sacrifices of the mass, which the 31st article of the Church of England declares to be blasphemous fables and dangerous deceits." It is in reality an action which pours contempt on the finished sacrifice of Christ.

There are hundreds of English clergymen it may be feared, who are using the Eastward Position as the symbol of a doctrine which they want to maintain and spread, but which ought to be resisted by all faithful Churchmen. The following extracts supply abundant proof that there is ground for saying this. They speak for themselves.

Extracts from a Ritualistic Catechism, "*The Ritual Reason Why.*"—

345. *Why is the Priest to say it (the Prayer of Consecration) "standing before the" Altar?* Because this is the position of a Sacrificing Priest.

340. *What is the prayer which the priest says kneeling at the midst of the Altar?*

It is a humble acknowledgment of his own unworthiness to execute the ministry which he is about to perform, and of that of the communicants to join with him in the Sacrifice by feasting on the Sacred Victim who is now about to be offered.—*Ritual Reason Why*, p. 136.

"Dr. Pusey says:—The standing before the Altar, means the primitive doctrine of the Eucharistic Sacrifice, and the bowing after the Sarum use at the Consecration means Eucharistic adoration."—*Church Review, June*, 1874.

All Englishmen who desire the peace and prosperity of the Reformed Church of England have now a plain duty before them in the present day. They ought to resist any attempt to sanction the "Eastward position" in the worship of the Established Church, by whomsoever it may be made, and from whatever quarter it may proceed. They ought to know that a strong effort is likely to be made in Convocation to obtain a report to Parliament (under the recent letter of business for

the revision of rubrics) recommending that the Prayer-book rubrics should be so altered as to permit the "Eastward position" being used. To prevent such a Report being made, and to resist its adoption by Parliament, if it is made, should be the aim and endeavour of every faithful Protestant Churchman.

Once for all, let the following points be impressed on our minds.

1. The "Eastward position" is utterly without warrant of Scripture. The four accounts of the institution of the Lord's Supper, written by St. Matthew, St. Mark, St. Luke and St. Paul, do not say one word to favour it. Any plain, impartial, unprejudiced man, reading the simple narrative of the New Testament for the first time, would say unhesitatingly that whatever our blessed Lord did, when he broke the bread and gave the cup, was done before, under the eyes, and in full view of, the whole congregation of the Apostles. Why are clergymen to appear to make a mystery where our Lord made none?

2. The "Eastward position" is utterly without warrant of the Prayer-book, fairly and reasonably interpreted. The Communion office nowhere calls the Lord's Supper a sacrifice, and nowhere calls the Lord's Table an altar. The rubric which regulates and directs the minister's position, in the act of consecrating the bread and wine, distinctly says that he should "break the bread and take the cup into his hand *before the people*." If "before the people" can be twisted into meaning "with his back to the people," there really is no meaning in words! The rubric, moreover, on this point, is the more remarkable, because it *first* directs the minister to "stand before the table," and "order the bread and wine," so that he may afterwards do what he does "with readiness and decency." But, *after* he has ordered or put in proper position, the elements, he is to perform the act of consecration "before the people,"—that is, standing in such a position that all can see what he does.

3. Last, but not least, the "Eastward position" is a direct step towards Popery. Whether its friends and advocates like to admit this or not, it is a simple matter of fact. It is a retrograde movement towards the unscriptural and superstitious system of religion which our martyred reformers resisted to the death. It is a departure from the Protestant principles on which the Church of England was established three centuries ago, and which have been her strength, her glory, and her beauty. If we value an open Bible, a free gospel, and a deliverance from priestcraft, let us resolve never to consent to the sanction of the "Eastward position" in the Church of England, and let us use every lawful means to prevent it.

For fuller information see Church Association Tract, No. XXX.

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TWELVE REASONS AGAINST

THE DISTINCTIVE VESTMENTS.

By the REV. CANON J. C. RYLE, *Vicar of Stradbroke.*

1. It is a fact that there is not the slightest proof in Scripture, that any "distinctive vestments" were worn, or considered necessary for the due celebration of the Lord's Supper, in the days of the Apostles. These "vestments" are purely and entirely an invention of a later age and of uninspired men. The gorgeous dress of the high-priest in the Mosaic dispensation was never meant to be a pattern to the Christian Church. It was part of a typical system, which was ordained for a special purpose, and was intended to pass away.

2. It is a fact that the use of these "distinctive vestments" is one of the many distinctive marks of the Church of Rome. That unhappy Church connects them closely with that crowning error and blasphemous delusion in her theological system—the sacrifice of the Mass!

3. It is a fact that in the beginning of the English Reformation, when our Reformers were only half enlightened, the use of these distinctive vestments was expressly ordered. The first Prayer Book of Edward the VIth, put forth in 1549, contains the following words in the rubric before the Communion Service:—"The priest shall put upon him the vestment appointed for the ministration of the Holy Communion, that is to say, a white alb plain, with a vestment or cope."

4. It is a fact that, as soon as our Reformers saw Scriptural truth fully and clearly, they expressly forbade the clergy to use these "distinctive vestments." The second Prayer Book of Edward the VIth, put forth in 1552, contains the following words at the beginning of the morning service, "The priest shall wear neither alb, vestment, nor cope, —but he shall have and wear a surplice only."

5. It is a fact that when the English Reformation was begun over again in the difficult days of Elizabeth, after Bloody Mary's destructive reign, the only rubric put forth about the ministers' dress, expressly omits to mention the distinctive vestments," and only directs, in vague and general language, "such ornaments to be used as were in use in the second year of Edward VI."—But that these "ornaments" did not mean the famous Popish "vestments," as some assert now-a-days, is made as nearly certain as possible by two historical facts. One is, that in the first year of her reign, Elizabeth issued "injunctions" ordering ministers to "wear such seemly habits as were most commonly received in the LATTER days of King Edward VI."—The other is, that in 1564, the Queen issued "advertisements," in which it is ordered that "every minister saying prayers or administering sacraments shall wear a comely surplice." Neither in the injunctions or advertisements are the alb, the cope, or the chasuble mentioned.—*Cardwell's Documentary Annals*, vol. i. p. 193, 292.

6. It is a fact that in 1569, Archbishop Parker, the first primate under Elizabeth, issued "Articles of inquiry" for the whole province of Canterbury, containing the following question:—"Whether your priests, curates, or ministers do use in the time of the celebration of divine service to wear a surplice, as prescribed by the Queen's injunctions and the book of Common Prayer?"—*Cardwell's Documentary Annals*, vol. i. p. 321.

7. It is a fact that in 1576, Archbishop Grindal, the second primate under Elizabeth, issued "articles of inquiry" for the whole province of Canterbury, in which he expressly asks "whether all vestments, albs, tunicles &c., and such other relics and monuments of superstition and idolatry, be utterly defaced, broken and destroyed."—Parker Society, *Grindal's Remains*, p. 159. The same inquiry was made by Aylmer, Bishop of London

in 1577, and by Sandys, Archbishop of York in 1578. Whether it is in the least likely that such an imperious Sovereign as Queen Elizabeth would have allowed such inquiries to be made, if the "ornaments rubric" legalized the vestments, is a question I leave to any one of common sense to answer!

8. It is a fact that the Canons of 1604 say nothing about "distinctive vestments," as essential to the due celebration of the Lord's Supper. The 58th canon simply orders that "Every minister saying the public prayers, or ministering the sacraments, or other rites of the Church, shall wear a decent and comely surplice." This canon is the more remarkable, because the 24th canon orders the cope to be worn "in cathedrals" by those who administer the communion. However much we may regret that the "cope" is sanctioned in cathedrals, it must be remembered that the chasuble and not the cope, is peculiarly the sacrificial garment. The use of the chasuble is not ordered.

9 It is a fact that at the last revision of our Prayer Book, in the year 1662, nothing whatever was done to restore the "distinctive vestments," and not a word was added to our rubrics that could justify the use of them.

10. It is a fact that for nearly three hundred years these "distinctive vestments" have never been used in the parish churches of the Church of England. Whatever some men may please to say, in the present day, about the lawfulness of alb, chasuble, or cope, there is no getting over the fact that all *custom* is dead against them, and that from the first days of Queen Elizabeth they have been disused and laid aside.

11. It is a fact that the attempt to revive the use of "distinctive vestments," in the celebration of the Lord's Supper, is a thing of entirely modern date. It began with a party in the Church, which boldly avows its desire to unprotestantize the Church of England. It is pressed forward and supported almost entirely by those churchmen, who, both in doctrine and practice, are making unmistakable approaches towards the Church of Rome, and regard the Lord's Supper as a sacrifice.

12. Last, but not least, it is a fact that the principal advocates of the Ritualistic movement in the Church of England, distinctly and expressly avow that the "distinctive vestments" in the Lord's Supper are not taken up and pressed upon us as a mere matter of taste, but as *sacrificial garments* and the outward expression of an inward doctrine. That doctrine is nothing less than the Romish doctrine of a real, corporeal presence, a real sacrifice, a really sacrificing priest, and a real altar in the sacrament of the Lord's Supper. That this is the fact any one may satisfy himself by reading the evidence of Mr. Bennett, the Vicar of Frome, given before the Royal Commissioners in 1867. (First report, p. 72.) Mr. Bennett, in reply to a question, distinctly told the Commissioners that "the use of the chasuble involved the doctrine of sacrifice," and that "he considered he offered a propitiatory sacrifice in the Lord's Supper."

I lay these twelve facts before my readers, and commend them to their serious attention. I entreat them to mark, learn, and inwardly digest them. I unhesitatingly assert, in the face of these facts, that it is impossible to defend the use of the "distinctive vestments" in the celebration of the Lord's Supper, either by Scripture, the Prayer Book, the law of the land, or custom. Reason and common sense alike condemn them. I assert furthermore that it is no trifling matter to allow any clergyman to use these vestments, that the allowance will be the concession of a great principle, and that any effort that may be made, either in Convocation or Parliament, to obtain sanction for them, ought to be firmly resisted by every faithful Churchman.

For fuller information, see Church Association Tract. No. XXXIII.

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No. CXXXVIII.

CHURCH HYMNALS.

THE SPECIAL NEED OF CARE IN SELECTION.

Ritualism involves doctrine; "what we taught in word," says Dr. Pusey, "the Ritualists teach in deed." The doctrine symbolized is sacerdotalism.

Dr. Pusey has also said that it is in the nature of Englishmen to acquiesce in anything; and that the public needs only a little leisure to get used to Ritual; to learn to tolerate, if not to love it.

It behoves, therefore, all true members of the Reformed Church of England—especially the clergy—to beware of giving, through a spirit of compromise, unconscious aid to the inroad of error. Our opponents are wise in their generation, and proceed in their work with patience, content with small beginnings.

This strange and unscriptural system could not be forced by direct means on the minds of Englishmen; they must, consequently, be taken at unawares, and by stealthy approaches. "It would be an unmitigated (because dangerous) evil," said one of the Romanizing clergy in our Church, "if congregations were called upon at once to change their worship from sermon-hearing to sacrifice, without having learnt to receive the doctrine on which it rests."

"The power of little" is unquestionably of great moment when applied to ingenious mixtures of truth and falsehood. The process of infusing poison into our Christian literature by degrees is never more successful than when some of the most Evangelical doctrines and spiritual truths of the New Testament are plausibly mixed up with the subtle, and to some extent fascinating, and therefore more dangerous, heresies of the Ritualistic School of thought. Hymn Books are a favourite medium for propagating Sacerdotal error. There are more false views of doctrine inculcated through hymnology than is generally acknowledged. Hence the necessity that exists for warning the members of our Protestant Church against this specious device.

The Council of the Church Association have been led thus to refer to the subject of the development of Sacerdotal error by means of hymns, in order to offer a few words by way of appeal to those who, while holding and faithfully preaching Evangelical truth, are yet, it is to be feared, planting the bulb, or scattering the seed, of false doctrine, by the introduction into their churches of Hymn Books wherein false doctrine as well as superstitious practices are embodied. Some of the Hymns thus brought into use are directly founded on the doctrinal errors of the Church of Rome, as was shown in Tract No. 21 issued by this Association. In others, through the adoption of expressions capable of a double meaning, the minds of the less instructed members of our Church, are no less surely familiarized with Ritualistic organization and Sacerdotal doctrine.

Can it be doubted that any volume of Hymns which contains numerous passages readily capable of being utilized for the inculcation of Romish error, is decidedly unfitted for use in a Church where Evangelical truth is taught.

The Council would therefore very earnestly press upon Evangelical clergymen, the great responsibility they incur in the adoption of Hymn Books, containing false doctrine, or expressions even of doubtful meaning: a responsibility greatly increased by the fact that they reach the hands of many who have not the discrimination necessary to choose between the "precious and the vile."

Moreover where such dangerous Hymns occur in the book adopted for use by the congregation, it is naturally presumed by many that the clergyman acquiesces in the doctrinal errors and ceremonies so promulgated, and thus in some quarters these errors acquire a fresh impetus from his supposed approval of them. To allow manifest falsehoods, or what, in their effect, is equivalent, to be bound up in a collection of Hymns which, admitting it for argument's sake, are on the whole unobjectionable, seems so inconsistent that it is impossible to find any feasible excuse for such conduct. The fact that many standard Evangelical Hymns are blended with such as have been referred to, only increases the evil because they act as a foil, in the first instance, to the unsound, and the minds of the unwary soon become tainted with the error.

It may be said that the most pronounced Protestant hymn writers have used language capable of a similar erroneous and dangerous construction to that above complained of, and that even Watts and Wesley may be thus cited. This is not denied, but in the case of all quotations which could be thus gathered, it would at once be recognised that it was needful to place a forced construction on the language—a construction wholly repugnant to the manifest spirit and intent of the writer.

The question which the Council would submit to their brethren when considering the selection, or continued use, of a Hymn Book, is whether or not it contains hymns suited for the performances at a service combining Sacerdotal teaching and Romanizing Ritual? Whether doctrines contrary to the Articles of our Church are, or are not, here and there at least directly or indirectly taught?

The Council would further ask why such collections are selected to the exclusion of others of a more entirely scriptural character, which have of late years been issued by sound Protestants; not to refer to older and very precious volumes?

Faithfully and prayerfully then they invite the attention of the Clergy and Laity to the subject. Is not the evil referred to, gradually (aye, and rapidly) leavening the minds of the Church-going population? Is it too soon for those who cling to Reformation principles and Bible truth, to shake off all complicity with those who openly avow themselves as holding Sacerdotal doctrine, and adopt Ritual practices such as constitute "object lessons" in doctrinal errors repudiated at the Reformation, and now sought to be reimposed on the Church?

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No. CXXXIX.

A HIGH CHURCH CLERGYMAN ON THE RITUALISTS.

The following is taken from CANON RYLE'S *Speech at the Annual Meeting of the Church Association held on the 25th February*, 1876.

Dr. Burgon, who has been lately appointed by Mr. Disraeli to the Deanery of Chichester, preached in October 1873 two sermons at St. Mary-the-Virgin's, Oxford, and in them he remarked, that the great question—

"Is nothing else but the growing dissatisfaction of the faithful Laity at the "Romanizing movement within the Church of England, which is even now making "its way in many quarters unrestrained, and even unrebuked. Yes, sirs, it is *that!* "The more thoughtful, and earnest, and faithful among the Laity of the Church "of England are growing impatient of the continual acts of aggresion which they "are constrained to witness, without having the slightest power to resist or check "their progress, or to escape from the calamitous consequences which they inevit- "ably and immediately entail on themselves and their families."—(p. 12.)

Perhaps some might say:—Well, if you don't like Ritualistic practices in your parish church, you are at liberty to go somewhere else.

Dr. Burgon answered this question as follows:—

"An Englishman is apt to say,—But pray *why* am I and my family to be driven "away from our parish Church, because a young man, remarkably ill-furnished "with Divinity, or Learning, or Experience, or good sense, takes it into his head "that he will imitate the dress and adopt the method of the Romish Communion, "which I hate as cordially as did my Fathers at the time of the Reformation; and "insists on introducing practices which have never been heard of within the "Church of England during upwards of 300 years."—(p. 12.)

Again, Dr. Burgon said:—

"It becomes simply unbearable: a thing which absolutely **may not**, cannot be "endured. I speak of the studious assimilation of our practices,—our vestments,— "our terminology,—our very ritual, to the practices, vestments, terminology, ritual "of Rome. Even this is not all. Encouraged by their successes,—emboldened by the "forbearance of the lay people, and by the lamentable absence of anything like dis- "cipline within the Church,—yes, and above all, carried forward by the very neces- "sity of their position, (for the logical development of a principle is of the nature "of a necessity,—be it true or be it false;)—this little handful of disloyal men are "already teaching Romish Doctrines and inculcating Romish principles by every "means in their power. How much further is this to be allowed to proceed? "How much further is this unfaithfulness to go on unrestrained? The laymen's

"answer,—the answer of our faithful laity to that inquiry,—found expression in the "Second and Third Resolutions which were proposed for consideration at the late "Oxford Diocesan Conference. A burning desire is very largely felt,—an inflexi- "ble determination is already manifesting itself in many quarters,—at all hazards, to "stem the Romanizing movements by constitutional means *now*. For my own part "I must be allowed freely to declare that no legitimate *locus standi* for the leaders "of this mediæval school of thought and practice within the Church of England; "and that I can discover no legitimate course for such of them as really hold "*those* doctrines to which their practices unmistakeably point, but that they should, "as honest men, go out from among us,—go over to our open and avowed enemy, at "once."—(pp. 14, 15.)

I must quote the words of Dr. Burgon once more in order to show how Ritualism alienates from the Church our Nonconformist brethren :—

"I behold with dismay the ghastly upgrowth of one more Sect,—one more Schism,— "one fresh aspect of Nonconformity ; and I mourn not least of all, because I see "plainly that these mediæval extravagancies are making, if they have not already "made, reconciliation with our Wesleyan brethren a thing impossible. There is "no telling in fact how fatal is this retrograde movement to the progress of real "Churchmanship throughout the length and breadth of the land. 'Ritualism' "(for so *disloyalty to the Church* is absurdly called,) is the great difficulty with "a surprising number of the clergy in our large towns,—especially in the Northern "Dioceses. The working people simply *hate* it. They will not listen to 'Church "Defence' while this ugly phantom looms before them. Hundreds are being driven "by it into Dissent. 'I dare not call a Church Defence Meeting in this town,' "(writes an able and faithful incumbent:) 'it would be instantly turned into an anti- "Ritualistic demonstration.' Thus the cause of Christianity itself is suffering by "the extravagancies of a little handful of misguided men. They assume that their "outlandish ways are 'Catholic;' whereas they are schismatical entirely,—the out- "come of a lawless spirit, a morbid appetite, and undisciplined will. Indecent "self-assertion and undutiful disregard for lawful Authority are even conspicuous "notes of this new sect."—(pp. 37, 38.)

These remarks from a High Church Dean are well worth noticing.

"Beware of promoting strife and division in the Church by adopting the tenets, "the practices, of the men against whom I have been putting you on your guard. "'Ask for the old paths, where is the good way, and walk therein, and ye shall find "rest for your souls.' Yes, rest and peace; peace in life, and (what is better) peace "in death. These histrionic extravagancies may appeal successfully to the young "and impulsive,—may for awhile gratify the taste and captivate the imagination; "but they will be found sorry things to fall back upon in times of extremity, and "amid the decays of age; in the hour of fainting nature, and on the bed of death. "There is wondrous little of the Gospel of Jesus Christ in this miserable resus- "citation of effete Mediævalism. It is of the earth,—earthy : an unspiritual, an "unwholesome, a mawkish, a wholly un-English thing."—(pp. 38, 39.)

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No. CXL.

THE PRIESTHOOD OF CHRIST.

BY THE REV. J. C. RYLE, M.A.,

CHRIST CHURCH, OXFORD;

Hon. Canon of Norwich, Vicar of Stradbroke, and Rural Dean.

MY DEAR FRIENDS,—I charge you all to make a practical use of the great doctrine of the Priesthood of our Lord Jesus Christ. Remember and rejoice that your Lord and Saviour is not dead, but liveth, and sitteth at the right hand of God to be your friend, your advocate, your almighty, powerful, loving, tender-hearted High Priest. Some men never enjoy "heaven on earth" because they only take a partial view of the truth as it is in Jesus. What boldness it gives to a man in prayer when he feels that there is One pleading for him at the right hand of God. And oh! how great the comfort we have in every time of trouble from feeling that we have a living Priest in heaven who has suffered himself, being tempted; who knows alike the heart and the mind of every man. Take the position of a man here on earth who knows what poverty hunger, and thirst are, left alone, deserted by all but his Father in heaven. Oh! what a comfort it is for such a man to feel that he is safe in the arms of Jesus. After all it is a grand comfort to feel that there is something in the heart of man to which the priestly office of Christ, when the heart is enlightened, exactly corresponds. It fits just like lock and key. A religion without a priesthood never goes down with man. Sacerdotalism never can meet the wants of man, but a religion without a priesthood of some sort never yet acquired much influence. The whole mystery of the mighty power of the Church of Rome—exercised, I am afraid, not for the good of men's souls—lies mainly in this, that she has succeeded in introducing the doctrine of a human priesthood, which does to some extent satisfy the cravings of the natural man. But when the conscience is enlightened, by the Holy Spirit, and the understanding opened to see the meaning of Scripture, we find we have a High Priest who can be touched with the feeling of our infirmities, so that we can come boldly to the throne of grace that we may obtain mercy and find grace to help in time of need. The Lord Jesus can

feel for us because He knows what a man is. Jesus is able to save to the uttermost, because He ever liveth to make intercession for us. No priest ordained by man on earth can take the burden off our souls. Tell us not of any priest but Jesus Christ. What other priest could we want? Why should we suffer ourselves to be borne away from the living fountain of waters, and taken to a fountain not blessed of God? Let me charge you all, if you love spiritual life—if you desire to enjoy comfort in Christ—if you wish for comfort under trials—if you desire to be assured of your eternal salvation—grasp firmly the doctrine of the priestly office of our Lord Jesus Christ. It is most important that you should carefully avoid any teaching which even appears to make men the mediators between ourselves and God. At all our religious meetings I earnestly hope that those who undertake to advise inquirers will press on them the great necessity of not hanging upon man, and looking to man, for "Cursed be the man that trusteth in man, and maketh flesh his arm." (Jer. xvii. 5.) Lead the inquirer straight to Jesus. Tell him that Jesus died for him. Point out to him the sacrifice of Jesus Christ. Tell him who wants advice how he can obtain help. Tell him that the great High Priest sitteth on the right hand of God, to be *his* friend and *your* advocate. Point out to him that He ever liveth to make intercession for them that come unto God by Him. Show him the blessed truths contained in the Epistle to the Hebrews. Point out to him the fulness and completeness of the Priesthood and finished work of Christ. Every man who has come to Christ should be able to say, "A burden has been taken off my back. A load has been taken off my conscience. Jesus Christ is the true High Priest. I want no absolution of man. I have found the true High Priest in Him." And what we want—we who teach in the pulpit—is the habit of living and dealing familiarly with Him, as with a friend and physician, to whom we go in every time of trial.

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P. P. P.

"POPERY'S POETICAL PIONEER."

When monograms were still in fashion, this was the monogram or rather cypher given in England to that pernicious work, "Hymns Ancient and Modern," previously styled, Hymns Popish and Protestant, and well and truly did it deserve to be called "Popery's Poetical Pioneer!" In little more than a decade three editions of it have been published, each more advanced than the last, and yet there are some Members of the Church of England, and loyal members too in other respects who are so blind as to adopt even the latest and most extreme edition.

We refer to those misguided brethren who thus far follow in the wake of the Romanizing Clergy, especially those who boast that the book cannot hurt them, as well as others who have even gone so far as to mark the dangerous hymns that they make no mistake—not seeing that in so doing they but make them more attractive to their children. This very marking them as prohibited will make the forbidden fruit too sweet to be resisted; and this the Ritualists perfectly understand.

Look at the first edition with the Romish hymn of the Spanish Inquisitors. The very hymn sung by the monks and priests in procession as the Protestant martyrs were led to the stake and the fire.

"Vexilla regis prodeunt."
"The Royal Banners forward go."

More than Thirty thousand persons were put to death in Spain by the Inquisition, and this was the Processional Hymn sung by their murderers!

It is still a favourite with the Roman Catholic Church, and used at its Good Friday services of the Unveiling and Adoration of the Cross, which adoration of a material cross is of itself downright idolatry. Where, either in the Old or New Testament, are we authorised to make or worship any material cross? It is the doctrine of the cross, the doctrine alone, which is our only hope.

"O Tree of Glory, Tree most Fair."

Is that what the Apostles called the cross? No; most emphatically no. On the contrary, according to St. Paul, it was an *accursed* tree.—(Gal. iii. 13.) If the cross on which our Saviour hung represented sin and death then—and St. Paul believed it did—it cannot represent anything else now. That good disciple, Joseph of Arimathea, "begged the body of Jesus," but he did not ask for the cross! Instead of exciting the mind to due contemplation of the triumphant issue of our Lord's sufferings, the material cross (as the late Bishop Phillpotts said) tends to chain it down to the sufferings themselves. Give us the living Saviour and the doctrine of the cross, and let his enemies keep the material cross and the crucifix.

This hymn alone should have condemned the book in the eyes of

all faithful Protestants—but if that was not enough the following should have filled the cup of indignation—

"Shall we not love thee, Mother dear?"

Is not this blasphemy? For to sing hymns to a creature is an indignity offered to God. Never in the Bible are we told to worship the blessed Virgin. In that volume our Saviour is called the Son of God, the Son of David, the Son of Man, the Son of Joseph.

Once only the People spoke of Him as the Son of Mary (the Romish title so frequently found in Hymns Ancient and Modern), but then it was in connection with his entire family, "Is not this the carpenter, the Son of Mary, the brother of James, and Joses, and of Juda and Simon? and are not his sisters here with us?" (Mark vi. 3). And according to St. Luke he was at the same time also called the Son of Joseph.

From the honour accorded by Holy Scripture to the Virgin Mother of our Lord we would in nowise derogate. "Highly favoured was she, and blessed among women," (Luke i. 28.) but we cannot forget that on a memorable occasion when she and His brethren stood *without* desiring to speak with Him, in lieu of promptly rising to go and greet her, or bidding those about Him make way for her to approach, our blessed Lord answered and said unto him that told Him, "Who is my mother, and who are my brethren?" And then stretching forth His hand towards His disciples, added, "Behold! my mother, and my brethren! For whosoever shall do the will of my Father which is in Heaven the same is my brother, and sister, and *mother*."—(Matt. xii. 46-50).

"There is one God and one Mediator between God and man, the man Christ Jesus." These are the words of St. Paul, which neither Roman Catholics nor Ritualists can believe, for they trust to a woman's tender love, and must have a female intercessor.

How do they interpret the words of St. Peter when speaking of Jesus Christ of Nazareth, "Neither is there salvation *in any other*: for there is *none other name* under heaven given among men, whereby we must be saved."?

When the Ritualistic compilers of Hymns Ancient and Modern saw the people were sufficiently accustomed to the Supplement, they issued a third edition, in which are numerous hymns teaching not only Idolatry and Mariolatry, but also Transubstantiation, and the Real Presence, Baptismal Regeneration, *ex opere operato* (by virtue of the act performed), Prayers for the Dead and Salvation by Works.

Some years ago the writer bought a copy of Hymns Ancient and Modern, with tunes, but when he became thoroughly convinced of the pernicious nature of the work destroyed it, being determined that no one should find such poisonous literature in his house. He could not and would not forget the words of the Apostle, let "no man put a stumbling block or an occasion to fall in his brother's way."—And therefore cast the volume into the fire.

D.

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No. CXLII.

BISHOP WILBERFORCE ON CONFESSION.

BISHOP WILBERFORCE a few days before his sudden death gave the following advice to his Rural-Deans at Winchester House, as to the doctrine, which, he said, it is now sought to establish, viz.:—

"That private Confession of Sin before the Great High Priest is insufficient, and that without Confession to a Priest a man cannot be sure of pardon, and especially cannot draw near to God in the Holy Sacrament."

"Now of this I will say this system of confession is one of the worst developments of Popery. In the first place, as regards *the penitent*, it is a system of unnatural excitement, a sort of spiritual dram-drinking, fraught with evil to the whole spiritual constitution. It is nothing short of the renunciation of a great charge of a conscience which God has committed to every man—the substitution of confession to man for the opening of the heart to God—the adopting in every case of a remedy only adapted to extreme cases which can find relief in no other way.

"Then in *families*, it introduces untold mischief. It supersedes God's appointment of intimacy between husband and wife; father and children; substituting another influence for that which ought to be the nearest and closest, and producing reserve and estrangement where there ought to be perfect freedom and openness.

"And lastly, as regards *the person* to whom confession is made, it brings in a wretched system of casuistry. But far worse than this, it necessitates the terrible evil of familiar dealing with sin, especially with sins of uncleanness, thereby sometimes even tending to their growth by making the horrible particulars known to those who have hitherto been innocent of such fatal knowledge, and so poisoning the minds of priest and people alike. A fact which has of late been very painfully brought home to me."

[*From the Report of the Address delivered by the late Bishop of Winchester to the Rural-deans of the Diocese, July* 15, 1873, *published in pamphlet entitled*, "*He being dead yet speaketh*," pp. 4, 5.]

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No. CXLIII.

JUSTICE *NOT* PERSECUTION.

THE BISHOP OF BATH AND WELLS.

"PERSECUTION is indeed a vile and odious thing, equally unworthy of a free State or of a pure Church: but to bring in the aid of the law to prevent an authorized expounder of the Church's doctrines, one invested with power to speak in the Church's name, from using that power for the overthrowing of the Church's doctrine, this surely is not persecution, but justice in her simplest form. No community, however free from State control, can allow its ministers to give the lie to its own doctrines which they are employed to propagate: much less can a National Church, endowed with large revenues, and set in place of power and dignity, allow those who share in these advantages to contradict her teaching, and act in opposition to her laws. **The firm repression of all such acts is not persecution,** but a vindication of truth and law, without which no community can exist."

[*Extract from an Address, delivered at Wells, by the Bishop of Bath and Wells, October* 12, 1875.]

THE BISHOP OF LINCOLN.

"WHEN also a clergyman who has solemnly promised at his ordination to obey his ordinary (*i.e.*, the bishop of the diocese), is commanded by his bishop, in the exercise of his episcopal authority, to submit to the decisions of the Court of Arches as now constituted, I confess that I cannot understand how in such a case the decisions of the Court have no spiritual validity, but, on the contrary, a clergyman who sets them at defiance,

appears to be openly despising and resisting both spiritual and temporal authority.

"It may indeed be alleged by some well meaning persons that such clergymen are suffering persecution, and have claims to sympathy and support. **But the fact is, such clergymen are not martyrs but persecutors. They are persecuting the Church of which they are ministers** by disturbing its peace, and by stirring up strife, and by spreading confusion and anarchy, and by marring its efficacy, and imperilling its safety. As was observed long ago by St. Augustine, such persons are like Agar and Ishmael, who complained of persecution, but who persecuted Sarah and Isaac (Galatians iv. 29)."

[*Extract from a Letter of the Bishop of Lincoln to Rev. Canon Hole, on the action of the English Church Union, dated January* 10, 1877.]

THE BISHOP OF GLOUCESTER AND BRISTOL.

"THE sober and religious persons of a congregation are frequently harassed and really persecuted by the changes and innovations in ritual which are often persistently introduced in spite of all remonstrances. To fall back upon the law in such cases, or **to appeal to the aid of a Society that is interested in maintaining the law, is simply self-defence, and is very far removed from persecution. The true persecutors,** as was wisely said by one of our prelates in a letter published early in the present year, **are those who resist spiritual and temporal authority, and by their innovations spread confusion and anarchy.**"

[*Extract from "Some Present Dangers of the Church of England," by the Bishop of Gloucester and Bristol,* page 27.]

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No. CXLIV.

THE DEAN OF CHICHESTER ON RITUALISM.

Extract from a Sermon, "Nehemiah, a Pattern to Builders," *preached before the* UNIVERSITY OF OXFORD, *by* J. W. BURGON, B.D., *Dean of Chichester, October* 13*th*, 1878.

"One man in a College—if he will—is able to raise the tone of the whole society. It will help him, no doubt, if his intellectual capacity corresponds, to some extent, with his moral excellence; but no amount of intellectual power can effect the result I speak of, unaided: whereas the attainments which make a great figure in the Class-list may be away, and yet the result will follow—follow inevitably—if there be but the holy purpose, the bright example, the consistent life. Something quite apart from that counterfeit thing, now, unhappily, highly popular in certain quarters, which seeks refuge in a Confraternity, or a Guild, or a secret Society with some new-fangled name, and often formed for some questionable purpose: something quite distinct from all this is meant. (*When*, by the way, *when* will men learn to be content with the brotherhood—of the Church of England? the Guild—of the Church Catholic? the Communion of Saints? Why multiply these narrowing influences,—these unauthorized denominations,—which only promote sectarianism and party spirit, and cramp the spiritual life instead of promoting its free development?)

"It really would seem as if a miserable endeavour to familiarize our people with Romish dresses, Romish gestures, Romish practices, Romish phraseology, Romish doctrines; as if *this* were the legitimate aim of English Divines in these last days; instead of being as it is, nothing else but a crime. A material theory of the Holy Eucharist,—repudiated by all the formularies, and ignored by all the Doctors of our Church,—lies at the root of this new development of error: together with the impetuous advocacy of the practice of habitual auricular Confession. What would such men as Cranmer, Andrewes, Hooker, Laud, Sanderson, Bull, Pearson, Beveridge,—what would the framers and revisers of our Book of Common Prayer have said,—could they just now appear and stand among us? Meantime, the weaker disciples of this new sect—(for a sect it is),—the rank and file of this wholly uncatholic movement,—indulge freely in (what may be called) the *millinery* of the subject: display a passion for bright colours, worthy of the silliest of the softer sex: come into Church looking positively *smart*.

"O ye younger men, members of the reformed Church of England, the purest Church, because the most Scriptural and Apostolic, in the world; but whatever its merits or defects may be, the Church of your fathers, the Church of your Baptism, the Church to which

you owe your life:—O do ye beware of this miserable counterfeit, this pitiful caricature rather, of true Religion, "pure and undefiled," —this unhealthy yearning after the corrupt method of a Church which is branded in the Apocalypse with infamy and a most tremendous doom. 'Come out of her, My people' (saith the SPIRIT), 'Come out of her, that ye may not be partakers of her sins and that ye receive not of her plagues!'* This emasculated imitation of her method—this immoral reproduction of her teaching, —ought to be abhorrent to every high and manly instinct of your nature. I do believe that it *is* abhorent: for you must be sadly changed within the last two years if you are not—as a body—brimful of the promise of better things: you the flower of England's youth! you, the earnest of England's future greatness! But I cannot set before you Nehemiah as a builder—a repairer rather—of the walls of the Holy City—without imploring you, those among you especially who are destined for the Ministry, and thus destined to become builders almost in a literal sense, to build as the Fathers of old time builded. Repair the breaches! Set up the battlements afresh! Rise to the greatness, the grandeur of your calling! and have nothing to do with the pitiful puerilities of those unfaithful and disloyal men, whose only fit place is within the Church of Rome,—and who will never rest, if they logically follow out their own principles, till they get there.

"I am not unaware, of course, that it is not only on the side of mediæval Romanism that the citadel of Truth is just now being fiercely and unremittingly assailed. Infidelity is very rife among us. The facts of Christianity are deliberately flouted: the very foundations of all Faith, all Hope, are openly denied; denied by men calling themselves philosophers; denied in the sacred name of 'Science.' And 'Why have you not something to say to Unbelief?' is just the plausible retort of gentlemen writhing under castigation for extravagances of quite a different class; and which, if they *be* errors, they claim to be at least the errors into which men are betrayed through excess of Faith. But it is a golden maxim in every undertaking,—in Sermons it is even an indispensable rule,—to attend to one thing at a time. This first. And next, I entirely deny that the revival of Mediævalism is any outcome of Faith at all. As seen among ourselves, it is notoriously the product of nothing so much as vanity, and self-will. Very lawlessness is it, from first to last; an immoral, and (what is singular) an utterly demoralizing thing. But the worst feature of all is, that it is effectually paving the way for Unbelief—making common cause with it—lending it a helping hand. Yes; for whatever reason, the oscillations of a thoroughly unsettled mind are ever to and from the opposite poles; of debasing Superstition on the one hand,—of the belief in nothing, on the other. The realms seem very different, but their confines more than meet. No boundary-line will ever be effectually drawn between them. Natural boundaries they have none."—(pp. 10, 11, 18, 19, 20.)

*Rev. xviii. 4. Consider also chapter xvii. and xviii.

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No. CXLV.

LAMENT OF ENGLAND'S CHURCH.

BY THE VERY REV. THE DEAN OF GLOUCESTER.

Come, my sons, listen to your venerable Mother. I address you in terms of sorrow, and with heart oppressed. I have endeavoured to nurture you in the dogmatic teaching of the everlasting Gospel and in the purest forms of worship. I have arranged our every service so that all may be handmaids of Scripture. Yearning over you with maternal love, my education has inculcated the holiest way of truth. But my voice has often been unheeded: and you have slighted me as non-elastic, and timidly suspicious of novelties of religious thought.

In tenderness let me reprove you for a notable instance of wayward straying from my paths.

One subject has engaged my supreme solicitude. Above all things I have sought that the Holy Sacraments, ordained by Christ Himself, should be duly administered, and intelligently received. But here sad deviation from my hallowed rule gives me deep grief. The Sacrament of the Lord's Supper bears painful witness.

Fairly meeting the question, What is the purport of this blessed rite, I have stated the design with which it is most solemnly enjoined. I have declared in terms which no distinctness can surpass, that it is divinely instituted in continual remembrance of the death of Christ. I have laboured to be emphatic in this declaration. There is no ambiguity in my words, that "Christ instituted and in His holy "Gospel commanded us to continue a perpetual memory of His "precious death until His coming again." I testify that we receive God's creatures of bread and wine "in remembrance of His death "and passion." I recall the words of His lips, "Do this in remem-"brance of Me." I present the consecrated elements with the exhortation, "Take and eat this" and "Drink this, in remembrance." Thus in the Supper of the Lord I have stirred up memory to spread her wings and fly back to the scene now patent only to the eye of faith. Memory has its dealings with the past. It revisits scenes removed by intervening time. It recalls what actual sight no more can view as present. I have striven to help enlightened communicants to revisit Calvary, and to remember Jesus hanging on the accursed tree. I have exhorted them to take the broken bread, clasping to their hearts the assurance that Christ's body was given unto death to purchase pardon; and to drink the poured-out wine, believing verily that His blood was shed to wash out sin.

But do I instruct the officiating minister to renew a sacrifice? Do I encourage the conceit that the cross may be again erected—that Jesus may be again presented as an atoning offering!—that expiation may be again made—that our Lord can again bow the head and give up the ghost? If this portion of the awful scene could be repeated, would not darkness again veil the world and the earth shake, and the rocks be rent, and the graves burst open? It is evident that such renewal of the work on the cross is utterly delusive; and such a figment of vain fancy contradicts the nature of a sacrament. Once and once only did our blessed Lord lay down His life. His death was a full, perfect, and sufficient sacrifice, oblation, and satisfaction for the sins of the whole world. What man endued with sense would repeat a transaction which has been fully accomplished? Can further efficacy be required for a performance which is wholly and for ever efficacious? I have studiously deprecated the notion of such repetition.

But I do more. I use negation to exclude the baneful error. When Popery profaned our services, and paraded unscriptural rites, a term was prevalent correlative to sacrifice. The holy table was miscalled an altar. The term was craftily devised. It implied that on it a victim died. It had no meaning without consequent act. It supposed a sacrifice, as father involves a child, as a font precedes baptism, as a grave is prepared for burial, as a sickle is significant of reaping. Could I perceive this snare and tolerate the term? In faithfulness I could not spare it. I applied an obliterating pen. I thoroughly purged the reformed ceremony of the worse than blemish. But many of my children reintroduce it. Is this filial submission to my reforming rule? Let the tongue pause before it pronounces what I so pointedly have denounced. Let it not utter what I have so rigidly banished. The term altar belongs to Rome's most deadly superstition. He is no faithful son of England's Church who uses it habitually and with design.

Thus great has been my zeal to exhibit the scriptural view of the one sacrifice. Spare me the pain of bewailing fruitless labour. I have taught that at Calvary the wonder of wonders was accomplished—that an offering was made all-sufficient, once for ever to make satisfaction for all sin. I have shown that the offering was made *for* us but not *by* us—that Christ was the Victim, and that He presented Himself: that He was the Lamb of God, and that He was the sacrificing Priest. Could guilty man approach God with any worthy offering? Away with such fallacy! It constitutes man the co-efficient agent in atonement. Man could have no part in presenting the original sacrifice: can he presume to claim the power of reiteration? Can he ascend to heaven and bring Christ from His throne and place Him on an altar fabricated by human hands and call on God's attributes to accept payment? Turn, shuddering, from the thought. Mockery is the least fault of those who madly dream that when they consecrate they do more than commemorate Christ's death. In my school the lesson is most clear that repetition of sacrifice is a superstition fraught with mischief and delusion.

But still I exhort my children to seek supreme delight in due commemoration. It should be as heaven begun to ponder the instruction of the consecrated elements. Hence I call to continual participation in the bread and wine with realizing faith and superabounding love. The periods of celebration I do not rigidly prescribe. Much must be left to varying circumstances. Long abstinence from the ordained feast would argue deficient love and neglect of positive command, and would impoverish the soul. Too frequent reception might beget irreverent familiarity. Thoughtful of the evil of extremes, in my invitations I discountenance all unhallowed procedure. I warn the worshippers to take off their shoes when they tread holy ground. With this purpose I enjoin solemn examination in the vestibule of this ordinance. I require that the heart be searched most deeply by the lamp of truth. Let the Spirit's aid be called to ascertain whether repentance is thorough, whether the heart is broken for sin and from sin—whether faith burns in brightest blaze, and relies with joy unspeakable on the merits of the dying Saviour—whether love rules each thought, and no unkind feeling retains a place in the whole region of the mind.

Such examination is no trivial work. It compels deliberate searching. It may not be enterprised rashly and concluded but after most painstaking search. Much preparation is thus necessitated. The survey of the spiritual state demands much thought and prayer. It thus excludes too frequent participation as incompatible with precautionary safeguards. Thus I protect the holy table from familiarity and presumptuous intrusion.

In this spirit I forbear to press the holy memorials indiscriminately on promiscuous guests. I use not this rite as a means of conversion and first approach to Christ. I urge not dead souls at this banquet to seek the kindling of inner life. I rather invite believers to participate because they live, and that they may invigorate their life. I bid them to come because they have received the Spirit in His enlightening power, and earnestly desire that His gifts may expand in stronger shoots. Mark my authoritative words : I call those who " truly and earnestly repent them of their " sins, and are in love and charity with their neighbours, and intend " to lead a new life, following the commandments of God and walking " from henceforth in His holy ways, to draw near with faith." I place on their lips the solemn declaration, that " the remembrance of their "sins is grievous unto them, and the burden is intolerable." I warn the light, the frivolous, the worldly-minded, no less than the openly unrighteous and profane, to stand apart and not to call down vengeance by awful trifling, when professing to hold solemn dealing with God.

Lowly penitents and devout believers are indeed welcomed by me. Let such draw near with faith, and receive all the benefits which this Sacrament presents. Let them retire with their faith enlivened, their grace strengthened, their hopes expanded, their consecration to God's service deepened. Let them renew Christian work, realizing that their sins are all pardoned, their fears removed,

punishment averted, wrath quenched, God reconciled, peace purchased, heaven in prospect, and all the blessings of the everlasting Covenant sealed to their souls. Let them go on their way rejoicing in God as their own God for ever—in Christ as their loving and all-sufficient Saviour—in the Spirit as their Comforter, and as knowing that all things are working together for their good. Let them eschew, the friendship of the world which is enmity with God: let them come out and be separate and touch no more the unclean thing: let them be established in the faith that God has received them, and that they are the sons and daughters of the Lord God Almighty.

Dearly beloved, receive my teaching—obey my precepts—act out my rule, and marvellous results may be expected. My true sons, nourished with all goodness, eminent as a city on a hill, "fair as the "moon, clear as the sun, terrible as an army with banners," would then shine as lights in the world, and diffuse purity as the salt of the earth. Men would witness their exalted walk, and acknowledge that they are the heirs of heaven. Many, too, who are warned that the heavenly feast is not spread for them, and that they are not meet for the Supper of the Lord, might retire with downcast heads. Godly shame and sorrow might be awakened by the repelling check. Many might, by the Spirit's blessing, be thus led to genuine repentance and meetness to join the happy guests. The Lord's Supper, duly administered, might be the seed of a large harvest of saved souls; but misrepresented and misused, might collect a crowd to seal their condemnation.

May the gracious Lord avert such baneful streams of evil! Numbers may make a goodly show, but numbers are not proof of worth. Numbers indeed I greatly covet: but not of unenlightened worldlings.

HENRY LAW.

Gloucester, Dec. 1878.

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No. CXLVI.

THE CHURCH RIGHTS OF PARISHIONERS.

Extract from the Judgment of the Court of Queen's Bench, delivered by Lord Chief Justice Cockburn in the Clewer Case, March 8, 1879.

"It is the undoubted right of every inhabitant of every parish in the kingdom, desirous of frequenting the parish church, to have the services of the Church performed according to the ritual of the Church, as established by law, without having his religious sense shocked and outraged by the introduction of innovations not sanctioned by law or usage, and which may appear to him to be inconsistent with the simplicity of the Protestant worship and to pertain to a religion which he believes to be erroneous, and the ritual of which is not that of the Church of England."

"We cannot but be sensible of the apparent incongruity which is involved in the interference of a temporal Court between a Bishop and one of his clergy, in a matter of ecclesiastical discipline. But it must be remembered that there is a third element in the case which must not be lost sight of. In these questions of doctrine or ritual the laity are interested, and deeply interested, as well as the clergy. As an institution endowed and maintained by the State, the Church exists for the benefit of the laity. It is the right of the latter, being members of the Church, to take part, under the ministration of the clergy, in the public worship, as well as to have the benefit of the various rites and services of the Church according to the ritual of the Church as by law ascertained and established. One of their most sacred and valued rights is infringed when they are driven to abandon their churches by the introduction

of a ritual which is not that of the Church, and which appears to them to be an advance towards a religion which is not that of the Reformation."

"Now, not only do we think that, on the construction of the statute, the Bishop had no discretion in this matter, but we are further of opinion that, the purpose of this legislation being to maintain uniformity of doctrine and ritual, and it being the right of the parishioners to have the services of the Church performed according to the law of the Church, even if the Bishop had discretionary authority in such a case, he ought, having here a judicial, or, at all events, a *quasi*-judicial duty to discharge, to have used it to allow an inquiry to take place. We do not think, therefore, that we should be justified as matter of discretion in withholding the writ. But it was suggested that the Public Worship Act having made the concurrence of three parishioners necessary to found a complaint to the Bishop, we ought not, in the exercise of our discretion, to give effect by *mandamus* to the complaint of one. But the obvious answer is that if the Legislature had intended that any change in this respect should be made in the Church Discipline Act, which it advisedly keeps alive, it could have introduced such a provision in the later Act. If it was incumbent on the Bishop to entertain the complaint on the application of a single parishioner—and we think he had no discretion in the matter—it cannot be open to us as a matter of discretion to withhold the redress which the applicant seeks at our hands. The rule for a *mandamus* to the Bishop to issue a commission, or send the case at once to the Court of Arches by letters of request, must therefore be made absolute."

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No. CXLVII.

WHAT DO THE TIMES REQUIRE?

By the REV. J. C. RYLE, M.A.,

Christ Church, Oxford;

Hon. Canon of Norwich, Vicar of Stradbroke, and Rural Dean.

The times require of us an *awakened and livelier sense of the unscriptural and soul-ruining character of Romanism.*

This is a painful subject: but it imperatively demands some plain speaking.

The facts of the case are very simple. No intelligent observer can fail to see that the tone of public feeling in England about Romanism has undergone a great change in the last forty years. Father Oakley, the well-known pervert, an ally of Cardinal Newman, asserts this triumphantly in the last number of the *Contemporary Review*. And I am sorry to say that, in my judgment, he speaks the truth. There is no longer that general dislike, dread, and aversion to Popery, which was once almost universal in this realm. The edge of the old British feeling about Protestantism seems blunted and dull. Some profess to be tired of all religious controversy, and are ready to sacrifice God's truth for the sake of peace.—Some look on Romanism as simply one among many English forms of religion, and neither worse nor better than others.—Some try to persuade us that Romanism is changed, and not nearly so bad as it used to be.—Some boldly point to the faults of Protestants, and loudly cry that Romanists are quite as good as ourselves.—Some think it fine and liberal to maintain that we have no right to think any one wrong who is in earnest about his creed.—And yet the two great historical facts, (*a*) that ignorance, immorality, and superstition reigned supreme in England four hundred years ago under Popery, (*b*) that the Reformation was the greatest blessing God ever gave to this land,—both these are facts which no one but a Papist ever thought of disputing fifty years ago! In the present day, alas, it is convenient and fashionable to forget them! In short, at the rate we are going, I shall not be surprised if it is soon proposed to repeal the Act of Settlement, and to allow the Crown of England to be worn by a Papist.

The *causes* of this melancholy change of feeling are not hard to discover.

(*a*) It arises partly from the untiring zeal of the Romish Church herself. Her agents never slumber or sleep. They compass sea and land to make one proselyte. They creep in everywhere, like the Egyptian frogs, and leave no stone unturned, in the palace or the workhouse, to promote their cause. (*b.*) It has been furthered immensely by the proceedings of the Ritualistic party in the Church of England. That energetic and active body has been vilifying the Reformation, and sneering at Protestantism, for many years, with only too much success. It has corrupted, leavened, blinded, and poisoned the minds of many Churchmen, by incessant misrepresentation. It has gradually familiarized people with every distinctive doctrine and practice of Romanism,—the real presence,—the mass,—auricular confession and priestly absolution,—the sacerdotal character of the ministry,—the monastic system,—and a histrionic, sensuous, showy style of public worship;—and the natural result is, that many simple people see no mighty harm in downright genuine Popery! Last, but not least, the spurious liberality of the day we live in, helps on the Romeward tendency. It is fashionable now to say that all sects should be equal,—that the State should have nothing to do with religion,—that all creeds should be regarded with equal favour and respect,—and that there is a substratum of common truth at the bottom of all religion, whether Buddhism, Mahometanism, or Christianity! The consequence is that myriads of ignorant folks begin to think there is nothing peculiarly dangerous in the tenets of Papists any more than in the tenets of Methodists, Independents, Presbyterians, or Baptists,—and that we ought to let Romanism alone, and never expose its unscriptural and Christ-dishonouring character.

The *consequences* of this changed tone of feeling, I am bold to say, will be most disastrous and mischievous, unless it can be checked. Once let Popery get her foot again on the neck of England, and there will be an end of all our national greatness. God will forsake us, and we shall sink to the level of Portugal and Spain. With Bible-reading discouraged,—with private judgment forbidden,—with the way to Christ's cross narrowed or blocked up,—with priestcraft re-established,—with auricular confession set up in every parish,—with monasteries and nunneries dotted over the land,—with women everywhere kneeling like serfs and slaves at the feet of clergymen,—with men casting off all faith, and becoming sceptics,—with schools and colleges made seminaries of Jesuitism,—with free thought denounced and anathematized,—with all these things the distinctive manliness and independence of the British character will gradually dwindle, wither, pine away, and be destroyed, and England will be ruined. And all these things, I firmly believe, will come, unless the old feeling about the value of Protestantism can be revived.

I warn all who read this paper, and I warn my fellow-Churchmen in particular, that the times require you to awake and be on your guard. Beware of Romanism, and beware of any religious teaching

which, wittingly or unwittingly, paves the way to it. I beseech you to realize the painful fact that the Protestantism of this country is gradually ebbing away, and I entreat you, as Christians and patriots, to resist the growing tendency to forget the blessings of the English Reformation.

For Christ's sake, for the sake of the Church of England, for the sake of our country, for the sake of our children, let us not drift back to Romish ignorance, superstition, priestcraft, and immorality. Our fathers tried Popery long ago, for centuries, and threw it off at last with disgust and indignation. Let us not put the clock back and return to Egypt. Let us have no peace with Rome till Rome abjures her errors, and is at peace with Christ. Till Rome does *that*, the vaunted re-union of Western churches, which some talk of, and press upon our notice, is an insult to Christianity

Read your Bibles and store your minds with Scriptural arguments. A Bible-reading laity is a nation's surest defence against error. I have no fear for English Protestantism if the English laity will only do their duty. Read your Thirty-nine Articles and "Jewell's Apology," and see how those neglected documents speak of Romish doctrines. We clergymen, I fear, are often sadly to blame. We break the first Canon, which bids us preach four times every year against the Pope's supremacy! Too often we behave as if giant Pope was dead and buried, and never name him. Too often, for fear of giving offence, we neglect to show our people the real nature and evil of Popery.

I entreat my readers, beside the Bible and Articles, to read history, and see what Rome did in days gone by. Read how she trampled on your country's liberties, plundered your forefathers' pockets, and kept the whole nation ignorant, superstitious, and immoral. Read how Archbishop Laud ruined Church and State, and brought himself and King Charles to the scaffold by his foolish, obstinate, and God-displeasing effort to unprotestantize the Church of England. Read how the last Popish King of England, James II, lost his crown by his daring attempt to put down Protestantism and reintroduce Popery. And do not forget that Rome never changes. It is her boast and glory that she is infallible, and always the same.

Read facts, standing out at this minute on the face of the globe, if you will not read history. What has made Italy and Sicily what they were till very lately? *Popery.*—What has made the South American States what they are? *Popery.*—What has made Spain and Portugal what they are? *Popery.*—What has made Ireland what she is in Munster, Leinster, and Connaught? *Popery.*—What makes Scotland, the United States, and our own beloved England the powerful, prosperous countries they are, and I pray God they may long continue? I answer, unhesitatingly, Protest-

antism,—a free Bible and the principles of the Reformation. Oh, think twice before you cast aside the principles of the Reformation! Think twice before you give way to the prevailing tendency to favour Popery and go back to Rome.

The Reformation found Englishmen steeped in ignorance and left them in possession of knowledge,—found them without Bibles and placed a Bible in every parish,—found them in darkness and left them in comparative light,—found them priest-ridden and left them enjoying the liberty which Christ bestows,—found them strangers to the blood of atonement, to faith and grace and real holiness, and left them with the key to these things in their hands,—found them blind and left them seeing,—found them slaves and left them free. For ever let us thank God for the Reformation! It lighted a candle which we ought never to allow to be extinguished or to burn dim. Surely I have a right to say that the times require of us a renewed sense of the evils of Romanism, and of the enormous value of the Protestant Reformation! — *Extract from a Sermon by the Rev. Canon Ryle, entitled, "What do the Times require? Being Thoughts on* 1 *Chron. xii.* 32." *Published by Hunt and Co., Paternoster Row.*

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No. CXLVIII.

THE ORNAMENTS' RUBRIC.

In the first Prayer Book of King Edward VI (A.D. 1549) the directions as to the vestures of the ministers officiating in the public services of the Church were as follows. In the saying and singing of matins and evensong, baptizing and burying, the minister was to wear a surplice. In the administration of the Holy Communion the Rubric was as follows:—

"Upon the day, and at the time appointed for the ministration of the Holy Communion, the Priest, that shall execute the Holy ministry, shall put upon him the vesture appointed for that ministration, that is to say: a white Albe, plain, with a vestment or Cope. And where there may be many Priests or Deacons, there so many shall be ready to help the Priest in the ministration, as shall be requisite; and shall have upon them likewise the vestures appointed for their ministry, that is to say, Albes with Tunicles."

These directions were omitted from the Second Book of King Edward (1552); and instead of them, a Rubric was inserted, immediately before the order for morning prayer, in these words:—

"And here it is to be noted, that the minister, at the time of the Communion, and at all other times in his ministration, shall use neither alb, vestment, nor cope; but . . . being a priest or deacon, he shall have and wear a surplice only."

The Prayer Book of Elizabeth (A.D. 1559) provided that

"The Minister at the time of the Communion, and at all other times of his ministration, shall use such ornaments in the church as were in use by authority of Parliament in the second year of the reign of King *Edward* VI, according to the Act of Parliament set in the beginning of this Book."

The Act of Parliament therein referred to was Queen Elizabeth's Act of Uniformity, 1 Eliz. c. 2, and the 25th Clause of that Act contains the following proviso:—

"Provided always and be it enacted, than such ornaments of the church and the ministers thereof shall be retained and be in use as was in this Church of England, by authority of Parliament, in the second year of the reign of King Edward the VI, *until other order* shall be therein taken by the authority of the Queen's Majesty, with the advice of her Commissioners appointed and authorized under the great seal of England for causes ecclesiastical, or of the Metropolitan of this realm"—(*Act of Uniformity, Liturg. Services, Eliz.* p. 32, P.S.)

The Prayer Book, therefore, refers to the Act, and the Act clearly contemplated further directions to be given by the Queen, with the advice of Commissioners or of the Metropolitan.

The Queen, with the authority required, did take "other order" by means of "The Advertisements" of 1564–5, the effect of which was to limit the cope to *cathedral* and *collegiate* churches, while the surplice was enjoined in parish churches. They make order for the vesture of the Minister in these words—

Item. In the ministration of the Holy Communion in cathedral and collegiate churches, the principal minister shall use a cope with gospeller and epistoller agreeably; and at all other prayers to be said at that communion table, to use no copes but surplices. * * *

"*Item.* That every minister saying any public prayers, or ministering the *sacraments* or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charge of the parish."—*Cardwell, Doc. Ann.*

There is no doubt that the Advertisements were carried into effect as legally binding, and were enforced by Royal Commissions; and their authority is expressly recognized by the Twenty-fourth Canon of 1603-4.

The Visitation Articles of the Archbishops and Bishops about this time, show that the operation of the Advertisements had been rapid and complete.

Archbishop *Grindal*, in 1571, inquires "whether all Vestments, Albs, Tunicles, stoles, phanons, pixes, paxes, hand-bells, sacring-bells, censers, crismatories, crosses, candlesticks, holy water stocks, images, and such other reliques and monuments of superstition and idolatrie be utterly defaced, broken, and destroyed" (Rit. Com., 2nd Rep. Appx. p. 408).

Archbishop *Parker*, in 1575, asks "in the time of celebration of Divine service whether they wear Surplices" (Rit. Com., 2nd Rep. Appx. p. 416).

Aylmer, Bishop of *London*, uses the same form of question as Archbishop *Grindal* (Ibid., p. 418 *b*).

Sandys, Archbishop of *York*, inquired, in 1578, "whether your Parson, Vicar, or Curate, at all times in saying the Common Prayer upon Sunday and holidays, and in administering of the Sacrament, doth use and retain the Surplice, yea or nay" (Ibid, p. 422 *a*).

The Canons of 1603-4, enacted by both Convocations, and ratified by the King's consent, provide specially for the vesture of the Minister.

Canon 24 directs the use of "a decent Cope" for the principal Minister in the Holy Communion in Cathedrals and Collegiate Churches, "according to the advertisements published Anno 7 *Eliz.*;" the following is the direction contained in the Canon :—

"In all cathedral and collegiate churches, the holy communion shall be administered upon principal feast-days, sometimes by the bishop, if he be present, and sometimes by the dean, and at some times by a canon or prebendary, the principal minister using a decent cope, and being assisted with the gospeller and epistler agreeably, according to the advertisements published Anno 7 Eliz."

Canon 58 directs that

"Every minister saying the public prayers, or ministering the sacraments or other rites of the church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish. And if any question arise touching the matter, decency, or comeliness thereof, the same shall be decided by the discretion of the ordinary."

In 1662, after the vestments had been disused by authority for more than 100 years, the rubric was revised so as to read as follows, and as thus revised it now remains:—

"And here it is to be noted that such ornaments of the church and of the ministers thereof, *at all times* of their ministration, shall be RETAINED and be in use, as were in this Church of England by the authority of Parliament in the second year of the reign of King Edward the Sixth."

In 1662 the Puritans pleaded for giving up the use of the surplice; the other party declined to allow it; and then the words, "shall be retained," were introduced into the Rubric. On the significance of this change Sir R. Palmer, the present Lord Chancellor, wrote in 1866:—

"An enactment that certain things 'shall be retained and be in use,' naturally implies that the former state of things is so far to be continued; not that a new state of things is to be then introduced, or (what amounts to the same) that an old state of things long before prohibited by law, and also disused in practice, is for the future to be revived and brought into use again."

It is possible to "retain" what we have; but it is not possible to "retain" what had been abolished one hundred years before. Nor was it possible by the use of such words as "here it is to be noted" in a rubric legally to *restore* what had been authoritatively abolished. An Act of Parliament alone could have accomplished this.

No doubt can be entertained that for nearly two centuries following 1662 the public acts of the Bishops and Clergy of the Church, and of all other official persons, were inconsistent with the supposition that the Rubric of 1662 had made any change in the law. It was not disputed by the counsel engaged in the case, that the subsequent practice in parish churches, until about 1840, was uniformly consistent with this view.

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No. CXLIX.

THE ILLEGALITY OF

CROSSES ON COMMUNION TABLES.

JUDGMENT of the Lords of the Judicial Committee of the Privy Council, on the Appeal of MARSTERS *v.* DURST, from the Court of Arches; delivered 11th July, 1876.

Present:—The Lord Chancellor (Cairns), Lord Hatherley, Lord Penzance, Sir Barnes Peacock, and Sir Montague Smith.

This is a criminal suit promoted in the Court of Arches against the Appellant who is one of the Churchwardens of the Parish of St. Margaret, in the Borough of King's Lynn, for having removed from the church, without a faculty, a certain moveable cross of wood which had been placed on a ledge called a "re-table," at the back of and above the Communion Table.

The Respondent is the Vicar of the parish, and the cross was placed there by his authority, but without the sanction of a faculty.

In the Court below exception was taken to certain passages in the responsive allegation filed by the Appellant, and they were ordered to be struck out.

The present Appeal is in form an Appeal from that Order, but on the case being opened it appeared to the parties that, as the facts were not really in dispute, it would save both expense and delay if they agreed to a statement of fact in the form of a Special Case, and took the decision of the Court of Arches upon the merits of the case.

Their Lordships consented to that course being pursued, and the case has been fully argued upon the Special Case so stated.

The question which their Lordships are thus called upon to decide is the single one of the legality of a cross of this description in the place which it occupied when the Appellant removed it from the church.

The Special Case states that the cross is above three feet in height; that it is a moveable one; that it was placed by the Respondent's orders on a structure of wood called a "re-table," consisting of a wooden ledge at the back of the Communion Table, having a front of wood about eight inches deep, coming down to within five-sixteenths of an inch of the surface of the Communion Table, and that this structure is fixed to the wall by nails.

A photograph is appended to the Special Case, from which, and the statements in this case, it is plain that the Communion Table and the "re-table" would at a very short distance bear the appearance of one entire table or structure.

It is further stated that the cross was placed on this ledge with "the intention that it should remain there permanently."

On the part of the Respondent it was contended that the cross was a moveable one, and constituted part of the church furniture; that it was not one of the "ornamental instruments" used in the church services; and that it fell within the category of things "inert," which were mere architectural decorations.

On the part of the Appellant it was contended, among other things, that the

case fell within the principle of the well-known decision in the cases of Liddell *v.* Westerton, and Liddell *v.* Beal; and as their Lordships are of that opinion, it will not be necessary to go again into the subject at large, or do more on the present occasion than point out what it was that those cases really decided, and give reasons for the conclusion that the present case cannot in principle be distinguished from them.

The two cases in question concerned the Church of St. Paul and the Chapel of St. Barnabas. In both instances there had been placed on the Communion Table a cross, and in both instances these crosses were held to be illegal. It is important therefore to consider what the character of these crosses was, and on what grounds they were ordered to be removed. In the Chapel-of-ease of St. Barnabas the things complained of were first a rood-screen and a cross thereon, which cross was held to be lawful; and secondly, "a stone table or altar with a metal cross attached thereto," and this cross was held to be unlawful.

The cross complained of in the Church of St. Paul was attached to the Communion Table, and is thus described in the Judgment at page 2 :—

"Their Lordships understand that this Table, described as an Altar or Com-
"munion Table, is made of wood, and is not attached to the platform but merely
"stands upon it; that it is placed at the east end of the church or the chancel,
"according to the ordinary usage as to Communion Tables; that at the end
"nearest the wall there is a narrow ledge raised above the rest of the Table; that
"upon this ledge which is termed 'super-altare,' stand the two gilded candlesticks,
"which are moveable, and between them the wooden cross which is let into and
"fixed in the super-altare so as to form part of what is thus described as the Altar
"or Communion Table."

It will be observed that this description closely tallies with the description as given in the special case of the Communion Table in the present case. There is here, as there, a moveable table, and a ledge of wood raised above the table at the back of it, and on this ledge two candlesticks, and a cross between them. The differences are that in St. Paul's Church the ledge of wood was called a "super-altare," while in this case it is called a "re-table"; in St. Paul's Church the ledge stood upon the table, while in this case it is fixed to the wall and does not quite touch the table, being separated by about a quarter of an inch from it; and finally, that in St. Paul's Church the cross was "let into and fixed" in the ledge, while in the present case it was not fixed but placed on the ledge "with the intention that it should remain there permanently."

It is upon these differences of structure that the Respondent relies, and he points particular attention to a passage in the Judgment relating to the cross in St. Paul's Church, which is as follows :—

"Next with respect to the wooden cross attached to the Communion Table at
"St. Paul's. Their Lordships have already declared their opinion that the Com-
"munion Table intended by the Canon was a table in the ordinary sense of the
"word, flat and moveable, capable of being covered with a cloth, at which or
"around which the communicants might be placed in order to partake of the Lord's
"Supper; and the question is whether the existence of a cross attached to the table
"is consistent either with the spirit or with the letter of those regulations. Their
"Lordships are clearly of opinion that it is not; and they must recommend that
"upon this point also the decree complained of should be affirmed."

It is argued by the Respondent that their Lordships must have intended to have

condemned only crosses which were "fixed" to a ledge standing on the Communion Table or to the Communion Table itself, and that the two circumstances in the present case, of the ledge being a quarter of an inch above the Table, and the cross not fixed in the ledge but moveable, are sufficient to take it out of the principle of that Judgment.

Their Lordships are unable to accept or approve so narrow and limited a view of the conclusion arrived at in those important cases.

It is hardly to be conceived that a distinction should have been intended to be drawn between a cross "attached" to the Table (or the ledge above the Table) and a cross occupying a "permanent" position upon it; and still less that the lawfulness or unlawfulness of the cross should be declared to reside in such a distinction.

Upon such a view of the law, further refinements would be inevitable; for, on the one hand, a cross might be "let into and fixed" in the "re-table" in such a manner as to be easily removed if and when desired, and therefore practically moveable; and, on the other hand, it might be ponderous, not easily moved, and intended to remain permanently in its place, and yet not actually "fixed" in the sense of being fastened to the ledge or table on which it stands.

To hold that such refined differences as these constitute the distinction between what is lawful and what forbidden by the law would be to give every importance to matters which are trivial and incidental, to the exclusion of those which are substantial and of serious import.

To any stranger entering the church, the present structure is not perceptibly different from that which was presented to the eye in the Church of St. Paul. The flat table, the narrow ledge rising above it, the candlestick at either end of this ledge, and the cross in the middle, constitute the apparent structure in both cases. It would be only by a minute inspection, instituted close at hand, that any difference would be revealed between them. For those who attend the services in this church, therefore, these differences do not practically exist, and whatever objection attended the Communion Table with its cross in the case of St. Paul's Church is equally present here.

When the Judgment in the above cases is carefully considered, it is very apparent what that objection was; and why the crosses on the Altar and the Communion Table in both cases were declared unlawful.

Speaking of the Altar in St. Barnabas, their Lordships said, "the question was "whether the structure was a Communion Table within the meaning of the law," and with respect to St. Paul's, "whether the existence of a cross attached to the "table is consistent either with the letter or the spirit" of the regulations made by law.

To answer these questions their Lordships inquired at length into the character and appearance of the Roman Catholic altar as it existed before the Reformation —the doctrines respecting the Holy Communion which that altar was designed to subserve, and to which it was intended to conform—the change in these doctrines which was effected by the Reformation, and the consequent substitution of the plain flat moveable table of wood for the fixed altar with its super-altare, its crucifix, and candlesticks at either end.

It was upon a careful review of these facts and considerations, and not upon any refined distinction as to the mode in which the cross was connected with the table, that their Lordships, construing the legal regulations bearing on the subject, came

to the conclusion that a Communion Table such as that in the Church of St. Paul, was not warranted by those regulations: and their decision, therefore, applies to and governs the present case, in which the structure complained of is, their Lordships think, in no substantial or essential feature distinguishable from it.

Some additional light is thrown on the meaning and intention of the Judgment above discussed by the subsequent proceedings in one of the cases (Liddell *v.* Beal) to which that Judgment gave rise.

It was thought by Mr. Beal that the monition of the Court for the removal of the cross in the Chapel of St. Barnabas had not been complied with by removing the cross from the Altar and placing it on the sill of the great eastern window of the church, immediately above the Communion Table, though at a distance of five feet from it, and he instituted proceedings complaining of this as an evasion.

Their Lordships thought differently, and expressed themselves as follows:—

"Now there was formerly a cross which stood upon the stone table, and was in a "sense at least affixed to it, which was objected to, and, as it appears, properly "objected to. The stone table has been altogether removed, and with it the cross, "but the cross has been placed in another part of the church, not in any sense upon "the table which has been substituted for the stone table, nor in any sense in "communication, or contact, or connection with it. It remains in the church as an "ornament of the church . . . and does not conflict with the order contained "in this monition."

It will here be observed that no stress is laid on the fact that the cross was no longer alleged to be "fixed," which, if the Respondent's view of the principal decision were correct, would at once have determined the question; but the retention of the cross in its new position is justified upon the ground that it was not "in any "sense upon the table, nor in any sense in communication or contact or connection "with it."

It is plain, therefore, that in the decision of the principal case, it was not to the cross itself that any objection was made, nor to the particular means or fastenings by which it was retained in its place, but to its connection with the Communion Table; and if, instead of removing the cross to a place several feet above the table, and quite unconnected with it, Mr. Liddell had simply made the cross a moveable one, and fixed a re-table to the wall (such as in the present case) for it to stand upon, it is inconsistent with the language just quoted to suppose that their Lordships would have held the monition to have been complied with.

Their Lordships are therefore of opinion that the cross in the position which it occupied while in the church is forbidden by law; and they will advise Her Majesty that the present suit should be dismissed; but, as both parties have been in the wrong in acting without a faculty, without costs.

1 P. D. 373.

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No. CL.

Proposal by the Chairman of the English Church Union to bring back the Liturgy of 1549.

IMPORTANT SPEECH BY THE REV. CANON HOARE.

At the Church Congress at Derby, Mr. Beresford Hope read a paper on "The ideal of Liturgical Worship in the Church of England," in the course of which he strongly advocated the adoption of ornamental accessories to the service.

The Hon. C. L. WOOD, President of the English Church Union, as a liturgical improvement advocated the alternative use of the Prayer Book of Edward VI, which he contended was in many respects far richer, and more calculated to place in its true sublime light the doctrine of the Holy Eucharist, than the existing meagre Prayer Book. In the case of the Burial Service the Prayer Book of Edward VI, he urged, had the advantage, because it afforded intercession for the dead, that they might rest in peace and have more.

The Rev. Canon HOARE promptly and boldly took up the vindication of the Evangelicals and their forms of worship, observing at the outset: His Lordship has called upon me before my time. I am prepared if you think it right, but at the same time, I may just add that I am called upon by surprise. I expected to have to discuss the suggestions of liturgical improvements likely to be made by Mr. Venables. At the same time, I can accept the call as from the providence of God. I think that this debate is a most important one for the Church of England. I think the speech to which we have just listened is one of the most important speeches I have ever heard at a Church Congress. We used to be told that we old-fashioned Evangelicals were but poor Churchmen. We used to be told that what was originally called the Tractarian movement, and has since been called the Ritualistic movement, was an effort of pious and devoted men to rise above our poor Churchmanship, and to bring out in better development the true principles of the Church of England. We always, with the happiness which accompanies a clear conscience, maintained that we were the true representatives of the Church of England. We acted upon its principles and taught its truth. But still we have borne a certain amount of reproach, and have not been able to get over the old prejudices. But this day we have been told by the President of the English Church Union, that our beautiful English service is meagre, that there is nothing more meagre than our existing Liturgy, that our Communion service in which we have delighted is a mutilated, inferior, defective service altogether. This great assembly has heard what has been said by Mr. Wood. We have been told this day that we are to go back to the Liturgy and the office of 1549, instead of accepting that of 1552, revised afterwards in 1662. And now just look for one moment at the first Liturgy of Edward VI. We are

told that ours is a falling off from the use of Sarum. We are therefore to look upon the use of Sarum—the old Popish Liturgy —the old Popish Liturgy existing in the Diocese of Salisbury, as being the best. To this the Reformers applied the pruning-knife. I cannot say that they left much of the office of Sarum. There were certain fine passages, but they brought out a Protestant Communion office in 1549. But still there were certain defects left, but as they went on they saw more and more of the truth of God. They said the thing must be done thoroughly. It is no use carrying out mere half-measures. And the Reformers, thank God, could not stop at the First Book of Edward, and I am very much disposed to think that if Mr. Wood gets it he won't stop there either. And now that we have enjoyed it for three centuries we are told to hark back again. Of this I am persuaded, that true Churchmen have no desire to return. You must just consider what Mr. Beresford-Hope has told us. He and I have sparred about this before now. But Mr. Beresford-Hope knows as well as I do that there is no such thing as an altar in the English Church. And I will tell you also what Mr. Wood and his friends know very well. They know very well that if they can coax us back those three years, to 1549, to the First Book, that there they will find an altar, and that is why they wish for it. The Reformers knew this, and that an altar was essentially connected with a sacrifice. And they knew this, that while they were prepared to offer the sacrifice of praise and thanksgiving, that the sacrifice of propitiation was completed for ever, and they believed also that the doctrine of propitiatory sacrifice in the mass was "a blasphemous fable and dangerous deceit." Now then, my Lord, we know our ground, and where we are to stand. We have learned something in this Congress. We know where we are. We go home to-day knowing with what a power and with what an intention we have to contend. We know what Mr. Wood has told us. He has told us as plainly as possible that the object is to bring back the Church of England from the Reformed Church of 1552, to stop a little by the way, just in the refreshment-room, of 1549, and then to plunge head-foremost right into the use of Sarum. Now, my Lord, what shall we say? Shall we have it or shall we not? Shall we stick by blessed truths we have received and for which our reformers died? Shall we cling to the dear old office-book in which we have hundreds and thousands of times poured out our whole heart before God? Shall we unite heart and soul as witnesses for Christ, coming there to His holy table, and holding there communion with Him? Or shall we begin by half-and-half retrograde measures until we go right back into the arms of Rome? My Lord, I need say no more, but I thank Mr. Wood for having spoken out, and having let us know this day what are the real intentions of the English Church Union.

The speech was cheered and applauded at almost every sentence.

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43rd Thousand.]

No. CLI.

HOLY SCRIPTURE

VERSUS

THE EASTWARD POSITION.

GOD'S MINISTER IS REPRESENTED

BY THE GOSPEL*

TO BE

AN AMBASSADOR FOR CHRIST

TO RECONCILE

MEN TO GOD,[1]

Offering TO them Means of Grace

IN

A SACRAMENT:[2]

HENCE LIKE

A "Wise Steward"[3] at His Master's Table

HE DISTRIBUTES

The "Broken" Loaf & Outpoured Wine

AT

THE EUCHARISTIC[4] FEAST[5]

SHOWING THAT

BY THE SIN-OFFERING FINISHED[6]

And Accepted[7] 1800 years ago,

GOD AND MAN

ARE NOW IN

"HOLY COMMUNION."

THE STEWARD

THEREFORE

Takes the Head of the Supper-Table

MINISTERING TO HIS

MASTER'S GUESTS

Whom He bids[8] to the Covenant "Feast" of the New Testament,

And "serves" (like his Lord[9]) at the "Lord's Table."[10]

BY THE "OTHER"[11] GOSPEL

TO BE

AN AMBASSADOR TO GOD

TO RECONCILE

GOD TO MEN,

Appeasing God's Wrath by offering FOR

THEM

A SACRIFICE:[12]

HENCE LIKE

A Jewish or Heathen Priest

HE OFFERS UP

The Magically re-produced Body[13] *& Blood*[14]

OF

A SIN-OFFERING[15]

SHOWING THAT

"YE ARE YET IN YOUR SINS"[16]

AND NEEDING TO HAVE A

SIN-OFFERING

EKED OUT "FOR EVER" FROM[17]

"MASS" to "MASS."

THE PRIEST

THEREFORE

Turns his back on the Congregation

AS HIDING

A MIRACLE

Which the Senses disprove: (the creature creating his Creator,[18] and "offering" Him to Himself!)

Standing (unlike his Lord[19]*) at a so-called "Altar."*

(* *For Scripture references, see other side.*)

1 "We are ambassadors FOR Christ . . . we pray you in Christ's stead be ye reconciled to God." (2 Cor. v-20.)

2 "The bread which we break is it not the COMMUNION OF the body of Christ." (1 Cor. x-16.)

3 "Who then is that faithful and wise steward, whom his Lord shall make ruler over his household to give them their portion of meat in due season?" (Luke xii-42.)

4 *i.e.*, Thanksgiving.

5 "Our Passover also *hath been* sacrificed even Christ: *wherefore* let us keep the Feast." (1 Cor. v-8, revised version.)

6 "He died unto sin, *once*." (Rom. vi-10.) "His one oblation of Himself once offered [was] a FULL, perfect, and sufficent sacrifice, oblation, and satisfaction for the sins of the whole world."—*Prayer Book.*

7 "If when we were enemies, we were reconciled by the death of his Son, much more, *being reconciled* we shall be saved by his life." (Rom. v-10.)

8 "As many as ye shall find, bid." (Matt. xxii-9.)

9 "Whether is greater, he that sitteth at meat, or he that serveth? . . . but I am among you as he that serveth." (Luke xxii-27.)

10 "Partakers of the Lord's Table." (1 Cor. x-21.)

11 Though we or an angel from heaven preach any other Gospel unto you than that which we HAVE preached unto you, let him be accursed." (Gal. i-6, 8, 9.)

12 "Thou, *on earth*, both Priest and Victim
In the Eucharistic Feast."—*Hymns A. & M.*, No. 316.

("If He were on earth, He should not be a priest."—Heb. viii-4.)

"Sacred flesh, and precious blood.
Thee we *offer*, Thee adore," . . .
"Pleading for the sinful people [Nos. 184, 382.
With the *atoning* Eucharist."—*People's Hymnal, by Dr. Littledale,*

13 "This is my body which is broken FOR you." (1 Cor. xi-24.)

14 "This is my blood of the new testament which is *shed* for many *for the remission of sins*." (Matt. xxvi-28.)

15 "*Would they not have ceased to be offered?* because the worshippers once purged should have had no more conscience of sins." "By one offering he hath perfected for ever them that are sanctified." (Heb. x-2, 14.)

16 "If Christ be not raised, your faith is vain; ye are yet in your sins." (1 Cor. xv-17.)

17 "Who needeth not daily, as those high priests, to offer up sacrifice . . . for this he did ONCE, when he offered up himself." (Heb. vii-27.)

18 "Without contradiction the less is blessed of the better." (Heb. vii-7.)

19 "Every priest standeth daily ministering and offering *oftentimes the same* sacrifices, . . . But this Man, *after* He had offered one sacrifice for sins for ever, *sat down*." (Heb. x-11, 12.)

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No. CLII.

DEAN OAKLEY'S CORRESPONDENCE

WITH

PREBENDARY MACDONALD.

A CORRESPONDENCE has recently been published between Dean OAKLEY, of Manchester, and Prebendary MACDONALD, of Kersal Rectory.

The correspondence began October 30th by a letter from Prebendary MACDONALD to Dean OAKLEY, remonstrating with him on the part of the "Manchester Clerical Society" for using prayers for the departed—"*a teaching and practice which are not those of the Church of England.*"

Upon this question issue is joined, and controversy arises. Dean OAKLEY tries to vindicate the practice hitherto unknown to the Reformed Church of England, and finally says:

"Let me add, to tell you my whole mind, that if a sense of justice, even to him (the late Bishop of MANCHESTER) had not made me say what I did, *general public policy would have made me do so. At this moment I look on the pending Liverpool Ritual suit as far more dangerous to the Established Church than any of her outer foes. And it is, alas! greatly due to his example—though he himself told me how he deeply regretted it.*"

To this Prebendary MACDONALD replies:

"I, too, feel strongly that the greatest danger to the Established Church at this moment *arises from the conduct of the Ritualistic Clergy, and all that it involves*, but no candid mind can refuse to acknowledge that the *responsibility rests with those who set the law at defiance.* The painful spectacle which they represent to our generation is *one that puzzles unsophisticated minds of sense and honesty.*"

Again:

"I should not have thought that any advocate of the Ritualistic party would care to deny that (as one of themselves, a Canon of the Church in another diocese, owned to me a short time since) *their object is to bring back the pre-Reformation belief and practices, which are distinctly and strongly condemned by our Articles.*"

To this Dean OAKLEY replies on November 7:

"*You have got to acquiesce in, I do not say to share (that is for your own conscience), but to admit and accept the fact of a very wide-spread belief that*

the old Puritan Theology of the 16th and 17th century is practically dead, that the old Erastian Protestant theory of the Church of England is dying too (though it is dying hard in places), and that THE KEYS OF THE HOUSE HAVE PASSED INTO OTHER HANDS. *We do not in the least wish to deny you house-room. You have a history, and an intelligible and useful place and function in the English Church. But you must really be careful and considerate. We do not wish,* AND WE MIGHT NOT BE ABLE JUST NOW TO COERCE YOU; it is needless; but *those who differ from you (it is not one school only) are* QUITE STRONG ENOUGH, AND VERY MUCH TEMPTED AT TIMES TO PULL OUR COMMON HOUSE-ROOF DOWN OVER YOUR HEADS, AND WE SHALL MOST ASSUREDLY DO IT, RATHER THAN LET THE KEY PASS INTO YOUR HANDS AGAIN. You will see that I think it a fit moment for the plainest speaking."

To this Prebendary MACDONALD rejoins:

"You truly say that 'many things have happened' since the Archbishop's denunciation of the Ritualist 'conspiracy'; but nothing has occurred, so far as I know, to cast the least doubt upon his painful declaration. All that has occurred, whether in the judicial interpretation of the law in repeated decisions, given by the highest authority, or in the development of Ritualistic practices in the country, has but multiplied the proofs of the conspiracy, *and stamped the whole movement as one of overt rebellion against the law of the Church.* Such an attitude maintained before the world is most surely that of disloyalty undisguised."

Again:

"It is well, perhaps, that those who entertain your views and purposes with respect to the 'pulling down of our common house,' should speak distinctly as you have done; but you will now admit that your charge against us of 'fancying that the Church of England belongs to us' applies not to us but elsewhere. *We now know who would fain possess the power of opening and shutting the door, and if we had been uncertain before, we know now where the real peril to the National Church is, and where the Liberationists will find their ready allies; for we know that there are Churchmen who are ready to assist to disestablish the Church if they cannot succeed to establish their own 'most sectional' innovations.*"

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No. CLIII.

THE CRUCIFIX AT ST. PAUL'S.

CANON PERRY tells us in his "Student's History of England" that "On January 22, 1561, the Queen issued letters under the great seal to her Commissioners," and that the Order thus taken was the "other order for which provision was made in the Act" of Uniformity.

Under this commission order was taken by the Royal Commissioners who directed "that there be fixed upon the wall over the said communion-board, the tables of God's precepts imprinted for that purpose. Provided yet that *in Cathedral Churches* the tables of the said precepts be *more largely* and costly painted out, to the better show of the same."

This order was actively enforced in Cathedral Churches. In Britton's "History of Bristol Cathedral," p. 52, is a copy of the Order, signed by three of the Commissioners in London, to the Dean and Chapter of Bristol.

ORDER.

"After our hearty commendations. Whereas we are credibly informed that there are divers tabernacles for images as well in the fronture of the rood-loft of the Cathedral Church of Bristol, as also in the frontures, back, and ends of the walls where the communion table standeth; forasmuch as the same church should be a light and good example to the whole city and diocese, we have thought good to direct these our letters unto you, and to require you to cause the said tabernacles to be detached and hewn down, and afterwards to be made a plain wall, with mortar, plaster, or otherways, and some Scripture to be written in the places, and namely that upon the wall *on the east end of the choir where the communion table usually doth stand*, the table of the commandments to be painted in LARGE characters, with convenient speed, and furniture according to the Orders lately set forth by virtue of the Queen's Majesty's Commission for causes ecclesiastical, at the cost and charges of the said church; whereof we require you not to fail. And so we bid you farewell. From London, the xxi of December 1561."

This Royal Order being also a statutory order under the Act 1 Elizabeth, c. 2, still in force, has never been superseded, and is applicable, therefore, to St. Paul's, where the idolatrous 'bane' has now supplanted its legal 'antidote.'

***

The scandal thus wantonly occasioned is illustrated by the published letter of a "retired rector," entitled "Babylon at St. Paul's," in which the writer presses these considerations.

"And as respects the simplest elements of justice between man and

man, is there not grievous wrong, is there not palpable injustice and oppression, in thus giving over this great National cathedral to the Romanizing manipulation of a knot of Ritualistic conspirators, while the sentiments, and principles, and susceptibilities of the great body of Protestant Christians are deliberately ignored or wounded to the uttermost? Have the genuine Protestant members of the Reformed Church of England *no rights whatever?* Have they ceased to have any voice or interest in the cathedrals and churches of the land? *Are they ruled out of court altogether?* Are Ritualists and Romanizers and sensuous lovers of images the only parties that a Bishop of London can recognize as worthy of a moment's thought?" . . .

"And what so childish and obsolete as to provide images for the *teaching* of the people in these times, when the power and opportunity of reading the 'Oracles of God' are so universally enjoyed! The Dean of St. Paul's and his subordinates do not compliment very highly the education and intelligence of the inhabitants of the Metropolis. Or do they think to stay the plague of Infidelity, Agnosticism, Secularism, by pictures and images? Leviathan is not so tamed."

APOLOGIES FOR THE CRUCIFIX AT ST. PAUL'S.

Bp. Temple is writing to various correspondents that "he can see no difference" between the crucifix at St. Paul's and the reredos at Exeter. Surely two differences at least would occur to any impartial mind. First, that no crucifix whatever existed at Exeter; and second, that at St. Paul's the crucifix is brought out in disproportionate size and prominence, so that the background does not even modify the effect of the "ancient usual" idol with which its worshippers, at Mass, had for centuries been familiar.

***

The *Church Times* says:—

"We are told that it is no argument against the notion that the Second Commandment was a naked prohibition of imitative art because the golden cherubims on the Mercy seat were not seen by any human eye, except that of the High Priest, on the Day of Atonement. It would thus seem to be forgotten that the veil has been rent, and that the mysterious seclusion of the Holy of Holies has come to an end."

But long before this "rending of the veil," the Cherubim had disappeared from the Holy of Holies and the Ark also, and this had been predicted by Jeremiah as a part of the Divine education of the Jews into more spiritual conceptions of worship. See Jer. iii.-16.

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King Edward VI. and His Altar-Lights.

RITUALISTS make capital out of the names of well-known Protestants (such as Cranmer, Queen Elizabeth, or King Ed. VI.), by bringing forward instances in which, at one time of their lives, they adopted some Romish practice. "See," they say, triumphantly, "Even your own leaders used these things without any squeamishness. Why can't you?"

Now it is undoubtedly true that Ed. VI. did issue an Injunction which, while it swept away all the other image-lights, made an exception in favour of "two lights upon the high altar, *before the sacrament*, which, for the signification that Christ is the very true light of the world, they shall *suffer to remain* still." These words, however, were even then merely permissive—as Richard Hilles, in 1542, wrote of the precisely similar Injunctions then given by Henry VIII.:—

"For, I am neither, I told them, a bishop nor a churchwarden; nor supposing I held any office of the kind, do these orders enjoin me to *maintain* your lights, but only *not to remove* them from the Church, which I do not attempt to do." (Orig. Letters, i.-231.)

But the point to observe is the *date* of the Injunction, which was issued July 31, 1547, just a twelvemonth after the burning alive of Anne Askew with three others. (Foxe, v.-550.) On Feb. 10, 1547, the churchwardens of St. Martin's, London, were ordered to restore their crucifix, while the curates were committed to the Tower for taking part in its removal. (Froude, iv.-275.) Dr. Harley, afterwards Bp. of Hereford, was committed for "heresy" by the Vice-Chancellor of Oxford during the following Lent. And on June 19, 1547, a mass of requiem for the soul of Francis I. was sung in all the London churches, the Bishops taking part "in their richest pontifical habits." (Collier, v.-208.) At that time not only were the services in Latin, and the 'seven' sacraments universally administered, but the bloody act of the "Six Articles" made a denial of any part of the Romish doctrine punishable with Death. The mere accession of the boy-King could not, of course, alter the law of the land: and the Council of Regency then contained many staunch Papists: so that the continued burning of two lights before the host merely testified to the then *publicly received* doctrine of transubstantiation. Hence in Foxe (viii.-715) we have the case of William Hastlen, the gunner of Boulogne, occurring in April, 1547, who, under the "Six Articles Act," was asked "How he did believe of the Sacrament of the altar?" Foxe continues the story:—

"I asked him whether he meant that that was in the pix, or no? And he said, 'Yea, even that in the pix.' And I said, that since I had knowledge of the Scriptures, I did not believe it to be the body of Christ, but a bare piece of bread; nor by God's help will I ever believe it otherwise to be. Then he said, I was a heretic, and asked me what I made of the Sacrament: and I said, if it were duly ministered according to Christ's institution, that then I did believe that the faithful communicants, *in receiving* that blessed Sacrament, did receive into their *inward man or soul*, the very body and blood of our Saviour Jesus Christ. Then said he, 'Dost thou not believe it to remain the very body of Christ after the words of consecration pronounced by the priest?' And I said, No." . . . . .

"Surely if I had not appealed to the Council of England I had been burnt in Boulogne; for it was told me of them that knew much in that matter that it was already determined shortly to have been accomplished, if I had not appealed: for the which deliverance I give praise to the ever-living God."

But poor Hastlen's escape was due rather to the influence of the Protestant Members of the Council of Regency than to the actual state of the law. For on April 13th of that same year (1547) a Royal Commission was issued under the Six Articles Act, followed by a Royal brief to Bonner, Bp. of London, and by a similar commission and brief dated April 19th, 1547 (Foxe, Vol. V., App. No. xx.). We read also of one, Thomas Dobbe, "who, in the beginning of this King's reign was apprehended and imprisoned for speaking against the idolatry of the Mass, and in the same prison died." So too, in the same year, John Hume was "apprehended, accused, and sent up to the Abp. of Canterbury" by his master and mistress for these articles:—

"I. First, for denying the sacrament (as it was then called) of the altar, to be the real flesh and blood of Christ.

II. For saying that he would never veil his bonnet unto it, to be burned therefor.

III. For saying that if he should hear Mass, he should be damned."

So real was the terror inspired by these procedings in "the first year of King Ed. VI." that, even in November, 1547, the Canterbury Convocation was afraid to discuss the reform of the service books until the Six Articles Act had been repealed (Blunt's Annotated Prayer Book, p. xxi.). That repeal, however, was not effected until December 24th, 1547, when the Royal assent was given to 1 Ed. VI., c. 12, which not only swept away the murderous statute in question, and all the older "Heresy Acts" like unto it, but repealed also the "Proclamation Act of Henry VIII.," under which a certain authority of *Parliament* had been conferred upon merely royal Injunctions. Hence, during the "second year of Ed. VI.," which began January 28th, 1548, the Injunctions rested merely upon the Royal prerogative, and had no "authority of *Parliament*."

The First Prayer Book of Edward did not come into use until June 9th in 1549 (*i.e.* the *third* year of Ed. VI.), and along with it were issued a *fresh* set of royal Injunctions (printed by Wilkins, Burnet, and Cardwell), and given in our "Tract XCI," upon "Altar-lights" (p. 8), which prove incontestably that "lights upon the altar" ceased with the Mass, and were not recognised or perpetuated under the "First Prayer Book of Ed. VI.," which most persons (including Mr. James Parker), consider to be the "authority of Parliament" referred to in the so-called "Ornaments Rubric." For it is not Christ in Heaven, nor Christ in the heart, but Christ on the altar *within* the sacrament—to be worshipped as being *there*, and offered in sacrifice *there*—"for the signification of" whom altar-lights are now being replaced "*before the sacrament*."

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No. CLV.

LUTHER'S RITUALISM.

SEVERAL correspondents of the *Times* have been urging that as Luther made use of altars, crucifixes, vestments, lights, eastward position, &c., and as Luther was (beyond all other men) *the* typical "Protestant," no one need object on "Protestant" grounds to the bringing back all the ritual apparatus which our own English Reformers cast out of the Church of England.

But Luther has left us in no sort of doubt as to his real mind on all these questions. His wise tenderness in educating by slow degrees a nation steeped in idolatrous habits was explained by himself in a short paper in which (A.D. 1526), speaking of the Sunday Service for the laity, he says—"We allow the Mass dresses, altar, lights, to remain, until they all disappear, or it pleases us to alter them; but whoever will do otherwise herein we let him. *But in the true Mass, among simple Christians, the altar must not remain so,* and the Priest must *always* turn to the people, as without doubt Christ did in the Supper. Now let that *wait its time.*" [Daniel, Codex Liturgicus, ii.-105.]

Again, he said—"For Christ in his Last Supper, when he was instituting this sacrament, and arranging the Testament, did not offer Himself to God the Father; nor did He perform a good work on behalf of others, but sitting at a table He propounded the same Testament to each, and exhibited [its] sign. Now the nearer and the more like a modern Mass is to the first Mass of all which Christ performed (*fecit*) at the Supper, so much the more Christian is it. But Christ's Mass was most simple, without any pomp of vestments, chants, and the other ceremonies; where, had it been necessary that it should be offered as a sacrifice, would not He have instituted that fully?"—[Cited in Hebert on Lord's Supper, ii.-297.]

Those are the best and truest followers of the mind of Luther who seek to restore the celebration of Holy Communion to its pristine simplicity, abandoning the adulterations of doctrine which the so-called "ancient" liturgies (in their existing and garbled forms) have unhappily embodied. Daniel, in his *Codex Liturgicus*, ii.-6, says: "Thus in some parts of Germany, especially in the provinces of Saxony, many altars face you, not contiguous to the wall of the Church, but altogether so arranged that the Priest standing at the back of the Altar may celebrate all rites toward the congregation."

But Luther's followers were from the first safe-guarded from that bondage to "spiritual" persons which Archdeacon Denison is seeking to bring back, not merely by the prominence given to the fundamental doctrine of "Justification by (individual) Faith," and by the denial of *any* "Apostolic succession" of priests supposed to derive their authority from the Apostles *independently of the Church* (*i.e.* the Laity), of which they are the "Ministers": they were taught by Luther himself to cut at its very root the

lucrative superstition of "sacrifices for sin." In his treatise „On the Abrogating of the Private Mass," Luther wrote:—

"In the New Testament there is *no* visible and external priesthood except that which is erected by Satan through the lies of men. Our one and *only* priesthood is that of Christ, by the which He offered Himself for us, and all of us with Him. His priesthood is spiritual and common to all Christians. For with the same priesthood that Christ hath, are we all priests, that is, sons of Christ the High Priest. Nor have we need of any other priest and mediator than Christ." "Christ offered Himself once, but WILLED NOT TO BE OFFERED OVER AGAIN BY ANY ONE, but willed a memorial of His sacrifice to be made." [Works, ii.-259, 261, ed. 1546.] Even Luther's quasi-Roman doctrine of the "real" (*i.e.* local) presence differed from the Ritualistic theory (not merely by abolishing the intervention of a "priest," and by denying the possibility of *any* offering of it to God in sacrifice, but) by limiting the "presence" to the sacramental *action*.

"It hath naught of the nature of a sacrament apart from the use (*extra usum*) instituted by Christ, or outside of the action divinely instituted. . . . And, inasmuch as apart from that use, the bread in the Popish Mass is not distributed, but is either offered up, or shut up, or carried about, or put forward for worship, it is *not to be recognized for a Sacrament*, just as also the baptismal water, if employed for the baptism of bells, or the cure of leprosy, or offered for worship, hath none of the nature (*rationem*) of a sacrament." [Formula Concordiæ, sec. 84.]

It is clear then that our monitors who advise us to conform to the example of Luther, do not realise what that example involves. Luther's disciples were groping their way out of Popery into the noonday light of the Gospel which at first dazzled their unaccustomed eyes. As Bp. Fitzgerald remarks, "the same concessions to Romish taste which were safely made in the early part of Edward VI.'s reign, when the ruling tendency was towards Protestantism, and the object was to carry on the mass of the people in that direction, were pregnant with danger in Charles I.'s, when the current was running all the other way. It is one thing to slacken sail for the sake of a tardy companion, when wind and tide are bearing us gallantly forward, and quite another to rest upon our oars when the elements are conspiring to drive us back." But transitional changes, however salutary at one time, become noxious when we are in "peril of false brethren" seeking to restore priestly rule by means of mediæval superstitions which place the English layman at the mercy of would-be "Father" Confessors claiming to hold "his God in their priestly hand, and his wife at their priestly feet."

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6th Thousand.]

No. CLVI.

"CROSS BEARERS."

BY

EMILY S. HOLT.

FOR what reason do you wear a cross?

Do you answer, As a symbol of my Christian faith?

The cross was the instrument by means of which Satan and his servants put the Lord Jesus to death. It is, therefore, a symbol of the bruising of the Deliverer's heel—of Satan's hour, and the power of darkness. Christ's triumph was finally completed on the morning of His Resurrection, for "if Christ be not raised, ye are yet in your sins." (1 Cor. xv.-17.) How, then, can a cross be a symbol of faith in Christ? The cross was the Roman gibbet, and so long as it continued to be a gibbet it was never adopted as an ornament. The earliest Christians knew it well as an emblem of idolatry, of all things the most opposed to pure religion. It was the mystic Tau of the Chaldeans, the symbol of Tammuz, signed on the foreheads of those who were initiated into the mysteries; the "sign of life" of the Egyptians, and the sacred symbol of the Druids. "There is hardly a Pagan tribe where the cross has not been found." Now the experience of all ages has plainly shown that such symbols, once adopted, sooner or later lead to worship. First used as a personal sign, they soon creep into churches, and are used in Divine Service as material symbols: and in the third stage they become idols. The Homily against Peril of Idolatry forbids the use of crosses, especially in churches, reckoning them among images and idols, which can teach but one thing, the worshipping of images.

But does not St. Paul say, "God forbid that I should glory, save in the cross of our Lord Jesus Christ" (Gal. vi.-14)? He does; but what does he mean by it? The vicarious atoning death of our Lord, not the wooden instrument which inflicted it. The early Christians whom he addressed would have scorned this latter interpretation. They had come out of idolatry, and they knew better than to go back to it disguised as Christianity.

But perhaps you say, Oh, I do not wear a cross for any such reason, but merely because it is a pretty ornament, and I see others wearing it.

Is it a pretty ornament? or is it, if you pause to think, a revolting and disgusting one? Would you wear a gibbet or a guillotine, as an ornament? Yet the cross was simply the Roman gibbet. What sick woman restored to health by a surgical operation would dream of wearing a brooch made after the pattern of the doctor's instruments? If a dear friend had been murdered by a rifle-shot, would it seem to you a pretty and affectionate idea to wear a little golden rifle or bullet for his sake? Would you not rather be disposed to shudder at the sight of the weapon? And if your friend had died *for you*, and had deliberately sacrificed his life to preserve yours, would you be more or less inclined to make an ornament of that instrument of his destruction?

Then what shall we say of floral crosses—are not they lovely and innocent things? Ah, the cross on which Christ suffered was not one of flowers! Do not crosses of flowers and gold tend to hide the remembrance of the shame which He despised, and the suffering which He endured for us? And is it meet that the Table of the Lord should be degraded into a flower-stand, and Divine Service itself made a flower show? Flowers are no meet offering for fallen man. It was Cain who brought the fruits of the earth as his offering; and they were not accepted.

Lastly, we would ask all wearers of ornamental crosses, from whatever cause, is that on which Christ died as a sacrifice for sin, a fit object to be made *an ornament* for that outward adorning which St. Peter condemns?

"Shall I call this glittering gem
Made for show and vanity—
Shall I call this gaud a cross—
Cross of Him who died for me?
Shall I deck *myself* with thee,
Awful cross of Calvary?"

Every Christian is indeed called to bear his cross after Christ; but such crosses are not made of gems and gold. They are borne in the inmost heart, and are often visible only to the Eyes which are as a flame of fire. In this sense, but in this only, is the precept given, "Come, take up the cross, and follow Me."

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6th Thousand.]

THE CANDOUR OF LORD HALIFAX.

At the thirtieth anniversary of the E.C.U. (on June 27th, 1889) its President adverted naturally enough to the prosecution of their Vice-President, the Bp. of Lincoln. He gratefully acknowledged the support given to the Ritualists by "the very generous article by Mr. Sydney Gedge," as proving that "an agreement on the basis of such mutual explanations would not be difficult." The following extracts are taken from the *Church Times* and *Church Review*:—

Meaning of Ritualism.—"The Catholic revival having been so largely concerned with the doctrine of the Real Presence—a doctrine which necessarily affects the character of public worship, how inevitable it was, *since outward acts attract so much more general attention than words spoken or written*, that a contest, if contest there was to be, should take the form of a contest about ritual. At the present moment the attempt to forbid lights, the mixed chalice, the Eastward Position, the taking of the ablutions, the singing the *Agnus*, and the use of the sign of the Cross in the Celebration of Holy Communion, are an illustration of what I say. Everyone knows that these observances are attacked on account of their connexion with doctrine, because they *symbolise the identity in all essentials of our present Communion office in English with the old Communion office* of the English Church as it used to be said in Latin, and that they cannot be condemned by a competent spiritual authority without to that extent at least, and in popular estimation, affecting the claim [*sic*] of our present Eucharistic office to be what the First Prayer Book of Edward VI. calls it, the Mass in English. The attack is on ritual, but the object struck at is the doctrine of the Real Presence and the Eucharistic sacrifice.

"What has the Church to do with Acts of Parliament, Royal Injunctions, and the acts of Commissioners appointed by the Crown? What is it to us that Bishop Ridley, without a shadow of legal pretence, should have broken down the Altars in St. Paul's, and that other Bishops should have followed his evil example? What is it to us that our churches were despoiled of their sacred vessels and ornaments by the rapacity of a king and his council, whose real motive for such sacrilege is best exemplified by the fact that, as Canon Dixon tells us, they took even the money they could find in the alms-boxes? What is it to us that adversaries such as these should have made havoc of the houses of God in the land, and broken down the carved work of the sanctuary with axes and hammers? Are such examples to be cited as precedents why the figures of our Lord on the Cross and of His blessed Mother are to be torn down from above the Altar at St. Paul's? What indeed has the Church to do with such alleged reasons except to repudiate and ignore them?"

Priests *v.* Parliaments.—"If Acts of Parliament, or secular tribunals interfere with the Church's doctrine and ritual, such interference will be disregarded in the future as it has been disregarded in the past. We have repudiated all such interference, whether it comes directly from Parliament and the Courts themselves, or indirectly from a bishop who makes himself the mouthpiece of the secular authority."..

Canon Law Binding.—"He believed that the Act of the 25th year of Henry VIII. had never been repealed, by which it became law that all Canon Law, save where it was contrariant to the laws of this realm, should remain in use and authority, and for pleading in the Courts. That right had on various occasions been exercised. And there could be no question whether, with such tradition being the legitimate inheritance of the Church, it was not within the power of the *bishop of a diocese, if he thought right, to revive it, or to*

encourage the priests within his diocese to revive it. It seemed to him that in view of the possibility of such an occasion as this, the very preface of the Prayer Book was prepared." "The old constitutions that Mass shall not be said without two, or at least one light, are part of the old unrepealed Canon Law." . . .

The Mass.—"What is the Communion Office but the Mass in English, with a re-arrangement of its parts in order to emphasise the duty of frequent Communion as part of that return to primitive practice, which in this respect the Council of Trent, no less than the English Reformers, was anxious to see carried out? But, in truth, it is useless to discuss such a question before a meeting of Churchmen. If the Church of England so separated herself from the past in the sixteenth century, that the presumption is against her having retained anything belonging to that past except what is specifically mentioned in some *existing formulary* or rubric, then I would ask what claim has she to be the old Church of England at all? What right has she, except a Parliamentary one, to her endowments? What claim has she to our spiritual allegiance?" . . .

Abp. Benson's Position.—"The bishop's protest makes it clear that no ecclesiastical censure of a bishop by the Metropolitan, with all the consequences such a censure would involve, *could be considered as ecclesiastically valid* unless sustained by the consent and approval of the Synod of the Province. But though acceptance by the Church is required to invest even the decisions of Synods, much more the decisions of individual bishops, however exalted their position, with the authority which belongs to a final ecclesiastical sentence, the decision which the Archbishop of Canterbury is being called upon to make is a matter of the gravest importance, and under the present circumstances of the Church of England, one which, in whatever way you look at it, can hardly help raising the most serious anxieties. If that decision vindicates the Church's claims as against the Privy Council, and asserts the right of the Church of England to her ancient ceremonial—what will be the consequences should an appeal be carried up to the very court *whose decisions will have been reversed?*" . . .

Sinfulness of Toleration.—"What are we to say, for instance, to such statements as those for which the Bishop of Liverpool, Canon Fremantle, Archdeacon Farrar, and Archdeacon Lefroy, the future Dean of Norwich, to mention four conspicuous examples, have recently made themselves responsible?

"The ritual prescribed by the Ornaments Rubric is a witness to the faith and historical position of the Church of England. Deprive it of this character, and yet permit the things which it enjoins, and you destroy what constitutes its chief value in our eyes. The insistence on the dogmatic principle; and the essential features of a sacramental Church, the maintenance of the faith against heresy, not permission to do what we like, and hold what we like, because the Church of England does not enforce or condemn any doctrinal system—that is our claim to-day, as it was the claim of the great masters in Israel of fifty years ago. *We can never acquiesce in the position that contradictory opinions on matters of faith can be legitimately included in the same Church.* We reject toleration for ourselves as one opinion among many, we claim it on the ground that true Catholic belief and practice, however much they may have been obscured in popular estimation, are the rightful inheritance of the Church of England, and as such claim the *exclusive* allegiance of the faithful members of the Church." . . .

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No. CLVIII.

THE EASTWARD POSITION.

Extract from the Judgment of the Privy Council in the case of Clifton v. Ridsdale, delivered on May 12th, 1877.

THE rule by which the position of the minister during the celebration of the Holy Communion is to be determined must be found in the Rubrical directions of the Communion Office in the Prayer Book, there being, as to this matter, nothing in any Statute to control or supplement those directions.

In examining these directions, their Lordships propose to put aside the argument, very much pressed upon them, that the proper and only proper position for the Communion Table is in the body of the church, or in the middle of the chancel, and that it is in a wrong position when placed, at the time of the Communion Service, along the east wall. They think this argument has no sufficient foundation. No charge is made that in the church of the Appellant the Communion Table stood where it ought not to have stood, and, in the opinion of their Lordships, no such charge could have been sustained.

The Rubric, indeed, contemplates, that the Table may be removed at the time of the Holy Communion; but it does not, in terms, require it to be removed. Morning and Evening Prayer are, according to one of the early Rubrics of the Prayer Book, to be used in the accustomed place of the church, chapel, or chancel. In churches where it is customary to use both the chancel and body of the church, or the chancel alone, for Morning and Evening Prayer, the direction that the Table shall stand "where Morning and Evening Prayer are appointed to be said," is satisfied without moving it. That direction cannot be supposed to mean that the position of the Table is to be determined by that of the minister's reading-desk or stall only, the service being "used" and "said" by the congregation as to the part in it assigned to them, as well as by the minister. The practice as to moving or not moving the Table has varied at different times. It was generally, if not always, moved, in the earlier part of the post-Reformation period. When the revision of 1662 took place, and when the present Rubric before the Prayer of Consecration was for the first time introduced, it had come to be the case that the Table was very seldom removed. The instances in which it has been removed may be supposed from that time to have become still more rare; and there are now few churches in the kingdom in which, without a structural rearrangement, the Table could be conveniently removed into the body of the church. The utmost that can be said is, that the Rubrics are to be construed so as to meet either hypothesis.

Their Lordships have further to observe that the Rubrics assume that, before the Prayer of Consecration is reached, those who intend to communicate will have drawn near to the Communion Table, wherever it may be placed, so as to concentrate the Communicants near it or round it, and thus enable them to witness the ministration more easily than if they had remained in their places throughout the church.

It is proper also to point out that the term "east" or "east-

ward" nowhere occurs in the Rubrics. From the mention that is made of the north side, it seems to be supposed that in all churches that expression would represent a uniform position, and there is no doubt that from the almost universal eastward position of churches in England this would be the case; but the north is the only point of the compass which is actually referred to.

During several portions of the Communion office the minister is directed, either expressly, or by reference or implication, to stand at the north side of the Table. Where this is the case, their Lordships have no hesitation in saying that whether the Table is placed altar-wise along the east wall, or standing detached in the chancel or church, it is the duty of the minister to stand at the side of the Table which, supposing the church to be built in the ordinary eastward position, would be next the north, whether that side be a longer or shorter side of the Table. No doubt in a certain context the word "side" might be so used as to be shown by that context to be contra-distinguished from the top, or bottom, at end of a subject of quadrilateral or any other figure. But for this purpose a determining context is necessary. In the absence of such a context it is accurate, both in scientific and in ordinary language, to say that a quadrilateral table has four sides. In the Rubrics not only is there no context to exclude the application of that term to the shorter as well as the longer sides; but the effect of the context is (as it appears to their Lordships) just the reverse. The direction is absolute, and has reference to one of the points of the compass, which are fixed by nature; the figure and the position of the Table are not fixed either by nature or by law; and the purpose of the direction is to regulate, not one part or another of the Table, but the position of the minister with reference thereto. Under these circumstances, it seems extravagant to put on the word "side" a sense more limited than its strict and primary one, for the purpose of suggesting difficulties in acting upon the rule, which for nearly two centuries were never felt in practice, and which would not arise if the strict and primary sense were adhered to.

If it were necessary that there should be extracted from the Rubrics a rule governing the position of the minister throughout the whole Communion office, where no contrary direction is given or necessarily implied, the rule could not, in their Lordships' opinion, be any other than that laid down in Hebbert *v.* Purchas; and they entertain no doubt that the position which would be required by that rule—a position, namely, in which the minister would stand at the north side of the Table, looking to the south—is not only lawful, but is that which would, under ordinary circumstances, enable the minister, with the greatest certainty and convenience, to fulfil the requirements of all the Rubrics. The case, however, with which their Lordships have to deal is one which may assume the character of a penal charge. It might be a penal charge against the present Appellant that he has stood, during the Prayer of Consecration, on the west side of the Table; and on the other hand, on a construction of the Rubric the opposite of that contended for by the Respondents, a penal charge might be maintained against a priest who stood at

the north side. It is therefore necessary to be well assured, both that there is a direction free from ambiguity that the priest should stand, during this particular Prayer, either at the north or at the west side, and also that no other test is supplied by the Rubric in question which would be a sufficient and intelligible rule for the position, at that part of the service, of the priest.

Their Lordships have therefore to consider the precise wording of the Rubric preceding the Prayer of Consecration taken in connection with the Prayer itself.

It is to be observed that the Revision in 1662 introduced for the first time the breaking of the bread as one of the manual acts to be done during the Prayer of Consecration, and that, although some of the other manual acts, namely, the taking the bread and the cup into the priest's hands, had been mentioned in the Rubric of the First Prayer Book of Edward VI, they had not been contained in the Second Prayer Book of that Sovereign, or in the Prayer Books of Elizabeth or James I. The Rubric "That he may with the more readiness and decency break the bread before the people," &c., was also new; and it is not impossible that one of the reasons for its introduction may have been to meet one of the demands or suggestions of the Puritan party, who had proposed a form of service in which the priest was to be ordered to break the bread "in the sight of the people." *

Their Lordships are of opinion that the words "before the people," coupled with the direction as to the manual acts, are meant to be equivalent to "in the sight of the people." They have no doubt that the Rubric requires the manual acts to be so done, that, in a reasonable and practical sense, the Communicants, especially if they are conveniently placed for receiving of the Holy Sacrament, as is presupposed in the office, may be witnesses of, that is may see them. What is ordered to be done before the people, when it is the subject of the sense, not of hearing, but of sight, cannot be done before them unless those of them who are properly placed for that purpose can see it. It was contended that "before the people" meant nothing more than "in the church;" to guard against an anterior and secret consecration of the elements. But if the words "before the people" were absent, the manual acts, and the rest of the service, could not be performed elsewhere than in the church, and in that sense *coram populo*, nor could the Sacrament be distributed except in the place and at the time of its consecration: and this argument would, therefore, reduce to silence the words "before the people," which are an emphatic part of the declaration of the purpose for which the preparatory acts are to be done. That declaration applies not to the service as a whole, nor to the consecration of the elements as a whole, but to the manual acts, separately and specifically.

There is, therefore, in the opinion of their Lordships, a rule sufficiently intelligible to be derived from the directions which are contained in the Rubric as to the acts which are to be per-

* 4 Hall, Reliq. Liturg.

formed. The minister is to order the elements "standing before the Table:" words which, whether the Table stands "altar-wise" along the east wall, or in the body of the church or chancel, would be fully satisfied by his standing on the north side and looking towards the south; but which also, in the opinion of their Lordships, as the Tables are now usually, and in their opinion lawfully, placed, authorize him to do those acts standing on the west side and looking towards the east. Beyond this and after this there is no specific direction that, during this prayer, he is to stand on the west side, or that he is to stand on the north side. He must, in the opinion of their Lordships, stand so that he may, in good faith, enable the Communicants present, or the bulk of them, being properly placed, to see, if they wish it, the breaking of the bread, and the performance of the other manual acts mentioned. He must not interpose his body so as intentionally to defeat the object of the Rubric and to prevent this result. It may be difficult in particular cases to say exactly whether this rule has been complied with; but where there is good faith the difficulty ought not to be a serious one; and it is, in the opinion of their Lordships, clear that a protection was in this respect intended to be thrown around the body of the Communicants, which ought to be secured to them by an observance of the plain intent of the Rubric.

* * * * *

Their Lordships are not prepared to hold that a penal charge is established against the Appellant merely by the proof that he stood while saying the Prayer of Consecration at the west side of the Communion Table, without further evidence that the people could not, in the sense in which their Lordships have used the words, see him break the bread or take the cup into his hand, and they will therefore recommend that an alteration should be made in the Decree in this respect.

Their Lordships, before leaving this part of the case, think it right to observe that they do not consider the Judgment in the case of Martin *v.* Mackonochie to have any material bearing on the question now before them. The decision in that case was that the Priest must stand during the Prayer of Consecration, and not kneel during a part of it. The correctness of that decision has not been, and, as their Lordships think, cannot be, questioned. Nothing is more clear throughout the Rubrics of the Communion office than that when the priest is intended to kneel, an express provision is made on the subject. The conclusion, however, in Martin *v.* Mackonochie, is expressed, perhaps, more broadly than was necessary for the decision. What was obviously meant was that the posture of standing was to be continued throughout the whole of the prayer. Nothing was or could be decided as to the place in which the priest was to stand, for that question was not raised, and was not in any manner argued, in the case.

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No. CLIX.

The Work of the Church Association.

In accepting the office of a Vice-President, the Rev. Canon Christopher wrote the following important letter:—

St. Aldate's Rectory, Oxford.
November 5th, 1889.

Dear Mr. Miller,

The Church Association is the only Church of England Society which has laboured during the last twenty-four years in every lawful way to counteract the efforts now being made to pervert the teaching of the Church of England on essential points of the Christian faith, and to assimilate her services to those of the Church of Rome.

This Association has gone steadily on in its faithful course, in the midst of misrepresentation and undeserved reproach, endeavouring, in dependence on the blessing of the God of Truth, to preserve the blessed results of the Reformation to the Church of England.

I regard it as the truest charity to do all we can, in the Name of our God, to oppose efforts to undo the Reformation, and to pervert congregations from the simplicity of the Gospel. Charity should not be exclusively kept for the teachers of Romanizing errors. Some charity should be reserved for those who may become their unhappy victims.

It is surely worth bearing all the misrepresentations and reproach poured upon the supporters of the Church Association, to help to uphold the "Doctrines, Principles, and Order of the Church of England" in every lawful way, and to preserve at least some members of our beloved Church from the Ritualistic process of gradual preparation for the terrible final plunge of perversion to the Church of Rome! It cost our Reformers something more than reproach and misrepresentation to bring about the Reformation. It cannot but cost God's faithful servants something to preserve the Reformation by His help at this crisis.

I wish that all true-hearted Evangelical men realized the present danger of our Church. If they did, I am sure they would not be apathetic, supine, and unfaithful at such a time as this.

The inspired writer of the thirteenth chapter of the first

Epistle to the Corinthians surely knew what true charity is; but see how he wrote in the first chapter of his Epistle to the Galatians of those who preach "another Gospel"; and see also in the second chapter of that Epistle how he "withstood Peter to the face because he was to be blamed." Are the Romanizing corrupters of our Church better men than St. Peter?

I measure the value of the Church Association not so much by its success as by its Scriptural objects, and the faith and courage of its members in seeking to obtain them.

The success of Cranmer, Latimer, and Ridley in preserving the Reformation they had so well begun, did not seem to be very great when they were being burnt alive within a quarter of a mile of this rectory. Yet we know what great results God ultimately gave to their noble self sacrifice for the cause of His Truth.

Let us pray that God may raise up in our Church at this crisis men of the brave, faithful spirit of our martyred Reformers, and use them to put to shame the feeble and timid Protestantism of the present day.

Holding the opinions which I have expressed in this letter of the faithfulness of the Church Association in labouring in every lawful way for the preservation of the blessed results of the Reformation in the Church of England, I willingly accept the office of a Vice-President, to which the Council have invited me, and the reproach which is attached to it.

I pray that the Holy Spirit may fill all the members of the Church Association with the faithful charity which He created in St. Paul. I pray also that He may move the hearts of many more of our loyal fellow-Churchmen to unite heartily with them in their difficult labours for the preservation of the faithful Church of England, which was taught of God in the riper days of the Reformation to cast out of her Prayer Book the world "altar," and with it all the false doctrine which is now connected with that word.

Believe me, dear Mr. Miller, to be

Very faithfully yours,

ALFRED M. W. CHRISTOPHER.

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8th Thousand.]

No. CLX.

THE THREE RELIGIONS.
WHICH IS YOURS?

(Abridged.)

By THE REV. J. B. WADDINGTON,

Vicar of Low Moor, Clitheroe, Lancashire; Author of Gospel Tracts, Catechisms, &c.

"Look unto ME (a just God and a Saviour), and be ye saved, all the ends of the earth."—Isaiah xlv. 22.

THE Religions of the world may be classed as follows:—

I. Looking for Salvation to man (or self).

II. Looking for Salvation to the *Priest*, or through the Priest.

III. Looking for Salvation to CHRIST alone.

The last is *mine*. Which is *yours?*

Are you looking to GOD or *man* for Salvation?

Possibly you consider it simply a question of opinions and parties, and say that you respect anything that is honestly believed. That you think that differences in religion are insignificant, and for the most part the result of disposition and circumstances.

I reply, that if you respect everything that is honestly believed, that will include *Mormonism*, with its false Prophet and sensual heaven; *Scepticism*, with its tormenting and soul-destroying uncertainty; and *Sacerdotalism*, with its priestly tyranny and polluting confessional! *I* can respect any conscientious *man*, but I cannot promise to respect *anything* that he may "honestly" believe.

Again, the fact of a thing "*seeming insignificant*," does not make it so. Our common experience teaches us that the opposite is sometimes the case; and in religion those things which to some appear trifling, may be safeguards and defences of vital truths, and of the supremacy of Christ as the all-sufficient Saviour of ruined sinners.

But the matter is not insignificant. Both priestism and unbelief lead the soul from Christ, and the simplicity and peace of the Gospel. The one puts the *priest* and his ministrations in the place of Christ and His finished work; the other *man* and his intellectual and material "progress" in the place of the

Word of GOD and the great realities of the Eternal World. A leading secularist politician said :—

"The great object which I and my friends ought ever to bear in mind is to endeavour to make religion take a secondary place in the lives of men, so that gradually it should be dwarfed in importance. Temporal interests would then quietly assume a position which would gradually obscure religious aspiration, and mankind would turn their backs decidedly and for ever on the Christian system. The Church would become merely a curiosity, and, from being a guide to millions of lives, dwarfed down to a chapter in a book."

The opposite error of the Sacerdotalist is equally dangerous, for it too leads the soul from CHRIST, as the following, written by one who calls himself "An Anglican Priest," clearly shows :—

"I know that I am 'born again,' for I am baptized. I know that I am strengthened with the HOLY GHOST, for I am confirmed. I know that past sins are forgiven, because God's priest has said, 'I absolve thee.' I know that I have a right to stand here, and the far clearer right to stand at your Font and Altar, because God's bishop laid his hands on my head, and said, 'Receive the HOLY GHOST,' &c."

The former error was neglect of salvation, but this is in fact salvation by the priest, through forms and ceremonies! For according to such teaching salvation is to be received from the priest, and not direct from CHRIST; through priestly performances, and not through faith.

DEAR READER,—Let no one deceive you, either with the error of the Sadducee or that of the Pharisee. How terrible to make a mistake, and to find it out when too late! The only Guide-book to Heaven is the Bible, and the Bible alone (Acts xvii. 11. See Art. VI. *Prayer Book*), which sets forth CHRIST CRUCIFIED as the *only way*. There we read :

"Through this man is preached unto you the forgiveness of sins: and by Him all that BELIEVE are justified from all things, from which ye could not be justified by the law of Moses." (Acts xiii. 38, 39.)

READER,—I exhort you to bring everything to the test of GOD'S Book of Truth, and may the HOLY SPIRIT impress savingly upon your heart (if you are still unsaved) the words of the LORD JESUS, spoken just before He offered Himself as the complete and only sacrifice for sin: I AM THE WAY, THE TRUTH, AND THE LIFE: NO MAN COMETH UNTO THE FATHER BUT BY ME." (John xiv. 6.)

It has been truly said: "Without the Bible man has failed to find GOD. Beyond the Bible he knows nothing, nor will till the mirror is broken and the veil laid aside, and he sees face to face."

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No. CLXI.

QUESTIONS FOR THE LAITY.

(Abridged.)

By THE REV. J. B. WADDINGTON,

Vicar of Low Moor, Clitheroe, Lancashire; Author of Gospel Tracts, Catechisms, &c.

"What communion hath light with darkness?"—2 Corinthians vi. 14.

(1) Has the Holy Spirit enlightened you as to your utterly lost and helpless condition as a sinner? Has He led you to trust simply in JESUS as the ONLY PRIEST? (Heb. x. 14.)

(2) Has the Holy Spirit led you from gratitude to Him Who obeyed the law, and endured its penalty for you, to offer *yourself*, and *all* that you have, "a living sacrifice, holy, and acceptable unto God, which is your reasonable service"?

(3) Are you bringing up your children in the nurture and admonition of the Lord? Do you diligently instruct them in the truth, warning them against error, knowing how insidious are its attacks, and how susceptible are the young and unwary to what appeals to their senses? Above all, are you constantly pleading for them at a Throne of Grace? (Isaiah lix. 21.)

(4) Do you fully realize your position, and your duty as an Evangelical Protestant Churchman? Do you make your influence felt as you might in your parish or neighbourhood? Do you rally round and support the Clergy who are faithful to Christ? Do you oppose the introduction or spread of error, by electing sound men and true as Churchwardens and Delegates to Conferences, and by carefully watching any changes in the service, and "the restoration of Churches," which too often means "the restoration of Popery"?

Dear Fellow-Protestants,—Can you say from your hearts "*We do, and will continue to do so, the* Lord *being our Helper*"?

If "LEVELLING UP" be allowed to continue, the days of our beloved Church are numbered. As she is gradually Romanized, the hearts of her defenders will grow faint, and the cry for "LEVELLING DOWN" grow stronger, until *disestablishment* and *disendowment* ensue; and the once faithful Witness to Protestant Truth, lies prostrate at the feet of her old foe, the

implacable enemy of the Word of GOD—the Apostate Church, the doomed "Babylon" of the Apocalypse! (*See* Rev. xvii.)

(5) *I ask you most seriously, Shall we compromise the truth of* GOD—*the truth for which our forefathers went to the stake—that we may unite with those who are, in fact, traitors to their* GOD, *their Church, and their Country?*

NO! FOR EVER, NO! Let us rather, looking for help to the true SHEPHERD and BISHOP of our souls, pray, "From all false doctrine, heresy, and schism; from all compromise with error; from all surrender of the truth of GOD; from all lack of boldness in the defence of the Gospel, and in confessing CHRIST before men, and from all conformity to the world,

May the GOD of Truth deliver us!"

The utter impossibility of any honourable and consistent union between the loyal and disloyal clergy is shown by the unmistakable testimony of the Ritualists themselves.

In *Essays on the Reunion of Christendom*, edited by the Rev. F. G. Lee, D.C.L., *with an Introductory Essay by the Rev. E. B. Pusey*, D.D., the following passages occur on page 180:—

"The marvel is, that Roman Catholics, whatever their views may be, do not see the wisdom of aiding us to the utmost. Admitting that we are but a lay body with no pretensions to the name of a Church, we yet, in our belief (however mistaken) that we are one, are doing for England that which they cannot do. We are teaching men to believe that GOD is to be worshipped under the form of Bread, and they are learning the lesson from us which they have refused to learn from the Roman teachers who have been among us for the last three hundred years. We are teaching men to endure willingly the pain of confession, which is an intense trial to the reserved Anglo-Saxon nature, and to believe that a man's 'I absolve thee' is the voice of GOD. How many English Protestants have Roman priests brought to Confession, compared with the Anglican clergy? Could they have overcome the English dislike to 'mummery' as we are overcoming it? On *any* hypothesis, we are DOING THEIR WORK."

The *Church Times* of March 24th, 1871:—"We are contending, as our adversaries know full well, for the extirpation of Protestant opinions and practices, not merely within the Church itself, but throughout all England. . . . . What we want is not to force a Close or a McNeile into a Popish vestment, but to make Closes and McNeiles as extinct for the future as the dodo."

Protestant Churchmen, I ask, with all earnestness—

Which is it to be, COMPROMISE, *and the ruin of our Church?* or, NO SURRENDER, and her preservation as a Witness to the Truth of GOD, as contained in His Holy Word?

"I SPEAK AS TO WISE MEN, JUDGE YE WHAT I SAY."

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No. CLXII.

THE TEACHING OF RITUALISM;
AND THE TEACHING OF THE CHURCH OF ENGLAND.

(Abridged.)

By THE REV. J. B. WADDINGTON,

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'By one offering He hath perfected for ever them that are sanctified."—Hebrews x. 11, 12, 14.

I. The Teaching of Ritualism.

(1) In the *Little Office Book* we read as follows :—

"DEVOTIONS FOR MASS. You are coming very near to CHRIST, for He will be on that Altar. So soon as the priest has said the prayer of consecration, the GOD MAN, CHRIST JESUS, is really, truly, and indeed there. And by this I mean just what I say, that He is present, not by your faith, but by His own power. JESUS is on the Altar as truly and as really as He was upon the cross, or in the manger of Bethlehem. JESUS is on the Altar as truly and as really as He is enthroned in Heaven."

"*At the elevation of the Host,*

"I adore Thee, O Body of my LORD JESUS CHRIST, once crucified for me, and now daily sacrificed on Thine Altars."

(2) *The Altar Manual* directs that "We should pray to GOD that He may accept the Sacrifice which the Priest, and we, through him, are about to offer. . . . It is the continual presentation . . . . as a sin-offering to obtain pardon for our offences. (We should) worship our LORD, present in His Sacrament, as we should do if we could see Him bodily."

(3) In *A Catechism to be learnt before the Church Catechism*, we have this question on the LORD'S Supper,

"For what other purpose (ordained)?

To convey to us the merits of His Death."

(4) In *A Catechism on the Incarnation*, we have the question,

"What are the means whereby we gain union with JESUS CHRIST, and so obtain a personal share in His Intercession and all other spiritual blessings?

"By our union with His Church, &c.

"And how are we united to His Church?

"By the Sacraments and other ordinances.

"But does not any power or quality of our own, such as *faith*, unite us to Him?

"NO; not by itself at least;" &c.

(5) In *Sacred Songs for Children of the Church in England* :—

"Now that sacred prayer beginning, See the priest in rapture stand,
Soon the spotless flesh of JESUS he will hold within his hand.
Speak no idle word, nor suffer thoughts of lightness to arise;
For that priest in fear is offering CHRIST'S Tremendous Sacrifice."

(6) *The Benediction Hymn of Benedictine Monks, Norwich* :—

"GLORIOUS Host! Incarnate GOD! our hope is all in Thee,
Bless us, Sweetest Sacrament, set all the sin-bound free.
Ascend, ye clouds of Incense, breaths of nature's prayer,
Hidden in the Sacrament, Nature's GOD is here."

Such is the teaching of many, who, while eating the bread of a Protestant Church, teach doctrines which she renounced at the Reformation, and repudiates in the strongest language.

Let us now turn from darkness to light, and compare, or rather *contrast*, with the above,

II. The Teaching of the Church of England,

in which we find the warning given in Homily XXVII. constantly kept in view:—"We must take heed lest of a *memory* it be made a *Sacrifice*."

(1) In *Article* XXXI. *Of the One Oblation of* CHRIST *finished upon the Cross*, we read:—"The Sacrifices of Masses, in the which it was commonly said that the priest did offer CHRIST for the quick and the dead, to have remission of pain or guilt, were blasphemous fables and dangerous deceits."

(2) *The Order of the Ministration of the* LORD'S *Supper.* Note at the end respecting kneeling to receive the Bread and Wine.

(3) Read Articles XXVIII. and XXIX., which plainly teach, as "the judicious" Hooker wrote, that "The Real Presence of CHRIST'S most Blessed Body and Blood is not to be sought for in the Sacrament, but in the worthy receiver of the Sacrament."—*Eccl. Polity*, *Book* v., pp. 6, 7.

Archbishop Cranmer wrote:—"The Blood is not in the Cup, but in the *receiver*."—*Parker, Soc. Ed.*, p. 418.

Bishop Jewell wrote:—"What father or doctor taught us . . . that CHRIST'S Body is in a hundred thousand places at once? that the Priest should hold the Bread over his head, and turn his back to the people?"—*Parker, Soc. Ed. Second portion*, p. 990.

John Wycliffe asked—"How canst thou, O priest, who art but a man, make thy MAKER?"

(4) In the Rubric in *The Communion of the Sick*, we read:—

. . . . "He (who "truly repents" and "stedfastly believes") doth eat and drink the Body and Blood of our SAVIOUR CHRIST profitably to his soul's health, although he do not receive the Sacrament with his mouth."

(5) In *Article* XI., *Of the Justification of Man*, we read:—

"We are accounted righteous before GOD, only for the merit of our LORD and SAVIOUR JESUS CHRIST, by *Faith*, and not for our own works or deservings: Wherefore, that we are justified by FAITH ONLY is a most wholesome doctrine, and very full of comfort, as more largely is expressed in the Homily of Justification."

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No. CLXIII.

THE GREAT CONTROVERSY:

WHICH IS THE CHANNEL OF SALVATION?

Faith? or The Sacraments?

(Abridged.)

By THE REV. J. B. WADDINGTON,

Vicar of Low Moor, Clitheroe, Lancashire; Author of Gospel Tracts, Catechisms, &c.

"What must I do to be saved?"
"Believe on the Lord Jesus Christ, and thou shalt be saved."—Acts xvi. 30, 31.

THE Great Question for all who are anxious to escape the wrath due to their sins, is this:—

How are the merits of Christ's death to be conveyed to my soul?

Now this is just the point of the great controversy between the Church of Rome and the Protestant Churches; between Evangelicals and High Churchmen (Sacerdotalists).

Let us consider this vital question—which is one of life and death, yea, of eternal life and eternal death to precious souls—with the Bible in our hands.

How is a saving interest in the vicarious sufferings of the Great Sin-Bearer to be obtained and continued?

Through earthly priests, and rites performed and sacrifices offered by them? or direct from Him Who is both Priest and Sacrifice?

Is it through THEIR ministrations or HIS?

To put it plainly, Are the *Sacraments* or is *Faith* the Divinely appointed channel through which the Salvation purchased by the Saviour's Blood is received by an anxious soul?

The Church of England states emphatically in *Article XI. Of the Justification of Man:* "We are justified BY FAITH ONLY." In the *Homily of the Salvation of Mankind, by only Christ our Saviour*, 2 Part, we read: "By Faith only, we obtain remission of our sins." In the *Homily of the Death and Passion of our Saviour Christ*, 2 Part, we read: "Almighty God . . . hath also ordained a certain mean, whereby we may take fruit and

profit to our souls' health. What mean is that? Forsooth it is Faith. . . . John iii. 6. Here is the mean, whereby we must apply the fruits of CHRIST's death unto our deadly wound. Here is the mean, whereby we must obtain eternal life; namely, FAITH. Rom. x. 10; Acts xvi. 31; John xx. 31."

But in a question of such vital consequence we must not trust to any man or creed, but must go to the Fountain head of all truth—THE WORD OF GOD HIMSELF. (Acts xvii. 11; 2 Tim. iii. 15. See *Article VI.*) There we find no uncertain sound, for salvation is clearly stated (Eph. ii. 8) to be "BY GRACE"—GOD's free, unmerited, loving-kindness to guilty sinners; "THROUGH FAITH," or by simply trusting, as did the jailor at Philippi and the dying thief on the cross, to the merits and promises of an Almighty SAVIOUR. (Heb. x. 14. *See* John iii. 14-18, 36; v. 24; Acts xiii. 38, 39; xvi. 30, 31; Rom. iii. 28; Gal. ii. 20.)

DEAR READER,—Do you now see that Salvation—pardon and acceptance—must be received direct from CHRIST, not from the priest? Through FAITH, and therefore not through the sacraments or priestly ministrations?

The moment that you are led by the SPIRIT to give up all trust in ceremonies, ministers, or your own merits, and trust only in CHRIST and His "finished" work, eternal salvation is yours. (John iii. 14; v. 24; Rom. viii. 14-17.)

Then will you find it a great refreshment, and esteem it your high privilege to draw near with a contrite and thankful heart to your LORD's Table, taking the Bread and Wine in grateful remembrance of His death upon the cross, when He suffered in your stead; by faith realizing His blessed presence in your soul—that faith confirmed, as well as grace increased, by means of that sacred ordinance in which we "shew the LORD's Death till He come." (1 Cor. xi. 26.)

Note well that the chief point of difference is not ceremonies, ornaments, or vestments—important when used to symbolize doctrine, and dangerous when they distract the attention from the Word of GOD, or come between the soul and the great object of its faith, CHRIST. "There is danger in our day, that the touch of the Sacraments may be put instead of the touch of the SAVIOUR by the soul through faith. The city may have no water if the aqueduct, however beautiful its arches, does not reach as far as the reservoir out of which only the water comes."

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